THE

HISTORY

OF

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THE HISTORY OF ENGLAND,

FROM

The Invaſion of JULIUS CÆSAR

TO

The REVOLUTION in 1688.

By DAVID HUME, Eſq.

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THE HISTORY OF ENGLAND

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RICHARD I.

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THE compunction of Richard, for his undutiful behaviour towards his father, was durable, and influenced him in the choice of his miniſters and ſervants after his acceſſion. Thoſe who had ſeconded and favoured his rebellion, inſtead of meeting with that honour and truſt which

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they expected, were ſurprized to find, that they lay under diſgrace with the new King, and were on all occaſions hated and deſpiſed by him. The faithful miniſters of Henry, who had vigorouſly oppoſed all the enterprizes of his ſons, were received with open arms, and were continued in thoſe employments, which they had honourably diſcharged to their former maſter [a]. This prudent conduct might be the reſult of reflection; but in a prince, like Richard, ſo much guided by paſſion, and ſo little by policy, it was commonly aſcribed to a principle ſtill more virtuous and more honourable.

RICHARD, that he might make atonement to one parent for his breach of duty to the other, immediately ſent orders for releaſing the Queen-dowager from the confinement in which ſhe had been ſo long detained [b]; and he entruſted her with the government of England, till his arrival in that kingdom. His bounty to his brother John was rather profuſe and imprudent. Beſides beſtowing on him the county of Mortaigne in Normandy, granting him a penſion of four thouſand marks a-year, and marrying him to Aviſa, the daughter of the earl of Gloceſter, by whom he inherited all the poſſeſſions of that opulent family; he increaſed this appanage, which the late king had deſtined him, by other extenſive grants and conceſſions. He conferred on him the whole eſtate of William Peverell, which had eſcheated to the crown: He put him in poſſeſſion of eight caſtles, with all the foreſts and honours annexed to them [c]: He delivered over to him no leſs than ſix earldoms, Cornwal, Devon, Somerſet, Nottingham, Dorſet, Lancaſter and Derby [d]. And

[a] Hoveden, p. 655. Bened. Abb. p. 547. M. Paris, p. 107.
[b] Ben. Abb. p. 549. M. Paris, p. 107. Trivet, p. 97. Diceto, p. 646. Gervaſe, p. 1547.
[c] M. Paris, p. 107. [d] Hoveden, p. 645. Bened. Abb. p. 555, 577. W. Heming. p. 518. Brompton, p. 1178. Knyghton, p. 2401.

endeavouring,

endeavouring, by favours, to fix that vicious prince in his duty, he put it too much in his power, whenever he pleaſed, to depart from it.

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The King's preparation for the cruſade.

THE King, impelled more by the love of military glory than by ſuperſtition, acted, from the beginning of his reign, as if the ſole purpoſe of his government had been the relief of the holy land, and the recovery of Jeruſalem from the Saracens. This zeal againſt infidels, being communicated to his ſubjects, broke out in London on the day of his coronation, and made them find a cruſade leſs dangerous, and attended with more immediate profit. The prejudices of the age had made the lending of money on intereſt paſs by the invidious name of uſury; yet the neceſſity of the practice had ſtill continued it, and the greateſt part of that kind of dealing fell every where into the hands of the Jews; who, being already infamous on account of their religion, had no honour to loſe, and were apt to exerciſe a profeſſion, odious in itſelf, by every kind of rigor, and even ſometimes by rapine and extortion. The induſtry and frugality of that people had put them in poſſeſſion of all the ready money, which the idleneſs and profuſion of the Engliſh, as well as of other European nations, enabled them to lend on exorbitant and unequal intereſt. The monkiſh writers repreſent it as a great ſtain on the wiſe and equitable government of Henry, that he had carefully protected this infidel race from all injuries and inſults; but the zeal of Richard afforded the populace a pretence for exerciſing their animoſity againſt them. The King had iſſued an edict, prohibiting their appearance at his coronation; but ſome of them, bringing him large preſents from their nation, preſumed, in confidence of that merit, to approach the hall in which he dined; and being diſcovered, they

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1189.

were expoſed to the inſults and injuries of the byſtanders [e]. They took to flight; the people purſued them; the rumor was ſpread, that the King had given orders to maſſacre all the Jews; a command ſo agreeable was executed in an inſtant on ſuch as fell into the hands of the populace; thoſe who had kept at home were expoſed to equal danger; the people, moved by rapacity and zeal, broke into their houſes, which they plundered, after having murdered the owners; where the Jews barricadoed their doors, and defended themſelves with vigour, the rabble ſet fire to the houſes, and made way through the flames to exerciſe their pillage and violence [f]; the uſual licentiouſneſs of London, which the ſovereign power with difficulty reſtrained, broke out with fury, and continued theſe outrages; the houſes of the rich citizens, though Chriſtians, were next attacked and plundered [g]; and wearineſs and ſatiety at laſt put an end to the diſorder: Yet when the King impowered Glanville, the juſticiary, to inquire into the authors of theſe crimes, the guilt was found to involve ſo many of the moſt conſiderable citizens, that it was deemed more prudent to drop the proſecution; and very few ſuffered the puniſhment due to this enormity [h]. But the diſorder ſtopped not at London. The inhabitants of the other cities of England, hearing of this ſlaughter of the Jews, imitated the example [i]; and in York, five hundred of that nation, who had retired into the caſtle for ſafety, and found themſelves unable to defend the place, murdered their own wives and children, threw the dead bodies over the walls upon the populace, and then ſetting fire to the houſes, periſhed in the flames [k].

[e] Hoveden, p. 657. Bened. Abb. p. 560. M. Paris, p. 108. Brompton, p. 1156. Knyghton, p. 2401. [f] Ann. Waverl. p. 163. Knyghton, p. 2401. [g] Hoveden, p. 657. Bened. Abb. p. 560. M. Paris, p. 108. W. Heming. p. 514. [h] Diceto, p. 647. Knyghton, p. 2401. [i] Chron. de Dunſt. p. 43. Wykes, p. 34. W. Heming. p. 516. Diceto, p. 651. [k] Hoveden, p. 665. Bened. Abb. p. 586. M. Paris, p. 111.

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The gentry of the neighbourhood, who were all indebted to the Jews, ran to the cathedral, where their bonds were kept, and made a ſolemn bonefire of the papers before the altar [l].

THE antient ſituation of England, when the people poſſeſſed little riches and the publick no credit, made it impoſſible for the ſovereigns to bear the expences of a ſteady or durable war, even on their frontiers; much leſs could they find regular means for the ſupport of ſuch diſtant expeditions as thoſe into Paleſtine, which were more the reſult of popular frenzy than of ſober reaſon or deliberate policy. Richard, therefore, knew, that he muſt carry with him all the treaſure requiſite for his enterprize, and that both the remoteneſs of his own country and its poverty made it unable to furniſh him with thoſe continued ſupplies, which the exigencies of ſo perilous a war muſt neceſſarily require. His father had left him a treaſure of above an hundred thouſand marks [m]; and the King, negligent of every intereſt, but that of preſent glory, endeavoured to augment this ſum by all expedients, however pernicious to the public, or dangerous to royal authority [n]: He put to ſale the revenues and manors of the crown; the offices of greateſt truſt and power, even thoſe of foreſter and ſheriff, which antiently were ſo important [o], became venal; the dignity of chief juſticiary, in whoſe hands was lodged the whole execution of the laws, was ſold to Hugh de Puzas, biſhop of Durham, for a thouſand marks; the ſame prelate bought the earldom of Northumberland for his life [p]; many of the champions of the

[l] W. Heming. p. 518. [m] Hoveden, p. 656. [n] Bened. Abb. p. 568.

[o] The ſheriff had antiently both the adminiſtration of juſtice and the management of the King's revenue committed to him in the county. See *Hale of Sheriffs Accounts.*

[p] M. Paris, p. 109.

croſs,

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croſs, who had repented of their vow, purchaſed the liberty of violating it; and Richard, who ſtood leſs in need of men than money, on theſe conditions, diſpenſed with their attendance. Elated with the hopes of fame, which in that age attended no wars but thoſe againſt the infidels, he was blind to every other conſideration; and when ſome of his wiſer miniſters objected againſt this diſſipation of the revenue and power of the crown, he replied, that he would ſell London itſelf if he could find a purchaſer [q]. Nothing indeed could be a ſtronger proof how negligent he was of all future intereſts in compariſon of the cruſade, than his ſelling, for ſo ſmall a ſum as 10,000 marks, the vaſſalage of Scotland, together with the fortreſſes of Roxborough and Berwic, the greateſt acquiſition which had been made by his father during the courſe of his victorious reign; and his accepting the homage of William in the uſual terms, merely for the territories which that prince held in England [r]. Numerous exactions were practiſed on the Engliſh of all ranks and ſtations: Menaces were employed both againſt the innocent and the guilty, in order to force money from them: And where a pretence was wanting againſt the rich, the King obliged them, by the fear of his diſpleaſure, to lend him ſums, which, he knew, it would never be in his power to repay.

BUT Richard, though he ſacrificed every intereſt and conſideration to the ſucceſs of this pious enterprize, carried ſo little the appearance of ſanctity in his conduct, that Fulk, curate of Neuilly, a zealous preacher of the cruſade, who from that merit had acquired the privilege of ſpeaking the boldeſt truths, adviſed him to rid himſelf of his notorious vices, particularly his

[q] W. Heming. p. 519. Knyghton, p. 2402. [r] Hoveden, p. 662. Rymer, vol. i. p. 64. M. Weſt. p. 257.

pride, avarice, and voluptuouſneſs, which he called the King's three favourite daughters. *You counſel well*, replied Richard; *and I hereby diſpoſe of the firſt to the Templars, of the ſecond to the Benedictines, and of the third to my prelates.*

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RICHARD, jealous of attempts which might be made on England during his abſence, laid prince John, as well as his natural brother Geoffrey, archbiſhop of York, under engagements, confirmed by their oaths, that neither of them ſhould enter that kingdom till his return; though he thought proper, before his departure, to withdraw this prohibition [s]. The adminiſtration was left in the hands of Hugh, biſhop of Durham, and of Longchamp, biſhop of Ely, whom he appointed juſticiaries and guardians of the realm [t]. The latter was a Frenchman of mean birth, and of a violent character; who by art and addreſs had inſinuated himſelf into favour, whom Richard had created chancellor, and whom he had engaged the Pope alſo to inveſt with the legatine authority, that, by centering every kind of power in his perſon, he might the better enſure the publick tranquillity [u]. All the military and turbulent ſpirits flocked about the perſon of the King, and were impatient to diſtinguiſh themſelves againſt the infidels in Aſia; whither his inclinations, his engagements, led him, and whither he was impelled by meſſages from the King of France, ready to embark in this enterprize [x].

THE Emperor Frederic, a prince of great ſpirit and conduct, had already taken the road to Paleſtine at the head of 150,000

[s] Hoveden, p. 664. Bened. Abb. p. 584. Brompton, p. 1171.
[t] Hoveden, p. 663. Bened. Abb. p. 584. M. Paris, p. 110.
[u] Hoveden, p. 665. 702. Bened. Abb. p. 585. Diceto, p. 649. Rymer, vol. i. p. 63.
[x] M. Paris, p. 109.

men,

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1189. men, collected from Germany and all the northern ſtates; and having ſurmounted every obſtacle thrown in his way by the artifices of the Greeks and the power of the infidels, had penetrated to the borders of Syria; when, bathing in the cold river Cydnus, during the greateſt heat of the ſummer-ſeaſon, he was ſeized with a mortal diſtemper, which put an end to his life and his raſh enterprize[y]. His army, under the command of his ſon Conrade, reached Paleſtine; but was ſo diminiſhed by fatigue, famine, maladies, and the ſword, that it ſcarce amounted to eight thouſand men; and was inſufficient to make any progreſs againſt the great power, valour, and conduct of Saladin. Theſe reiterated calamities, attending the cruſades, had taught the Kings of France and England the neceſſity of trying another road to the holy land; and they determined to conduct their armies thither by ſea, to carry proviſions along with them, and by means of their naval power to maintain an open communication with their own ſtates, and with the weſtern parts of Europe. The firſt place of rendezvous was appointed in the plains of Vezelay, on the borders of Burgundy[z]; and Philip and Richard, on their arrival there, found their armies amount to 100,000 men[a]; a mighty force, animated with glory and religion, conducted by two warlike monarchs, provided with every thing which their ſeveral dominions could afford, and not to be overcome but by their own miſconduct, or by the unſurmountable obſtacles of nature.

1190. 29th June.

King ſets out on the cruſade.

THE French prince and the Engliſh here reiterated their promiſes of mutual friendſhip, pledged their faith not to invade each other's dominions during the cruſade, exchanged the oaths of all their barons and prelates to the ſame effect, and ſubjected themſelves to the penalty of interdicts and excommu-

[y] Bened. Abb. p. 556. [z] Hoveden, p. 660. [a] Viniſauf, p. 305.

nications,

nications, if they ſhould ever violate this public and ſolemn engagement [b]. They then ſeparated; Philip took the road to Genoa, Richard that to Marſeilles, with a view of meeting their fleets, which were ſeverally appointed to rendezvous in theſe harbours [c]. They put to ſea; and nearly about the ſame time, were obliged, by ſtreſs of weather, to take ſhelter in Meſſina, where they were detained during the whole winter. This event laid the foundation of animoſities, which proved fatal to their enterprize.

CHAP. X. 1190.

14th Sept.

RICHARD and Philip were, by the ſituation and extent of their dominions, rivals in power; by their age and inclinations, competitors for glory; and theſe cauſes of emulation, which, had the princes been employed in the field againſt the common enemy, might have ſtimulated them to martial enterprizes, ſoon excited, during the preſent leiſure and repoſe, quarrels between monarchs of ſuch a fiery character. Equally haughty, ambitious, intrepid, and inflexible; they were irritated with the leaſt appearance of injury, and were incapable, by mutual condeſcenſions, to efface thoſe cauſes of complaint, which unavoidably aroſe between them. Richard, candid, ſincere, undeſigning, impolitic, violent, laid himſelf open, on every occaſion, to the deſigns of his antagoniſt; who, provident, intereſted, deceitful, failed not to take all advantages againſt him: And thus, both the circumſtances of their diſpoſition in which they were ſimilar, and thoſe in which they differed, rendered it impoſſible for them to perſevere in that harmony, which was ſo eſſential to the ſucceſs of their undertaking.

[b] Hoveden, p. 664. Bened. Abb. p. 583. Trivet, p. 99. Viniſauf, p. 305.
[c] Hoveden, p. 666. Bened. Abb. p. 590. M. Paris, p. 112. Diceto, p. 605.

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1190. Tranſactions in Sicily.

THE laſt King of Sicily and Naples was William II. who had married Joan, ſiſter to Richard, and who, dying without iſſue, had bequeathed his dominions to his paternal aunt, Conſtantia, the only legitimate offspring ſurviving of Roger, the firſt ſovereign of thoſe ſtates who had been honoured with the royal title. This princeſs had, in expectation of that rich inheritance, been married to Henry VI. the preſent Emperor [d]; but Tancred, her natural brother, had fixed ſuch an intereſt among the barons, that, taking advantage of Henry's abſence, he had acquired poſſeſſion of the throne, and maintained his claim, by force of arms, againſt all the efforts of the Germans [e]. The approach of the cruſaders naturally gave him apprehenſions for his unſtable government; and he was uncertain, whether he had moſt reaſon to dread the preſence of the French or of the Engliſh monarch. Philip was engaged in ſtrict alliance with the Emperor, his competitor: Richard was diſguſted by his rigors towards the Queen-dowager, whom the Sicilian prince had confined in Palermo; becauſe ſhe had oppoſed with all her intereſt his ſucceſſion to the crown. Tancred, therefore, ſenſible of the preſent neceſſity, reſolved to pay court to both theſe formidable princes; and he was not unſucceſsful in his endeavours. He perſuaded Philip that it was highly improper for him to interrupt his enterprize againſt the infidels, by any attempt againſt a Chriſtian prince: He reſtored Queen Joan to her liberty; and even found means to make an alliance with Richard, who ſtipulated by treaty to marry his nephew, Arthur, the young duke of Brittany, to one of the daughters of Tancred [f]. But before theſe terms of friendſhip were agreed on, Richard, jealous both of Tancred and of the inhabitants of Meſſina, had taken up his quarters in the ſuburbs, and had poſſeſſed himſelf of a

[d] Bened. Abb. p. 580.
[e] Hoveden, p. 663.
[f] Hoveden, p. 676, 677. Bened. Abb. p. 615.

ſmall

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1190.

ſmall fort, which commanded the harbour; and he remained extremely on his guard againſt their enterprizes. The citizens took umbrage: Mutual inſults and attacks paſſed between them and the Engliſh: Philip, who had quartered his troops in the town, endeavoured to accommodate the quarrel, and held a conference with Richard for that purpoſe. While the two Kings, meeting in the open fields, were engaged in diſcourſe on this ſubject, a body of theſe Sicilians ſeemed to be drawing towards them; and Richard puſhed forwards, in order to inquire into the reaſon of this extraordinary movement [g]. The Engliſh, inſolent from their power, and inflamed with former animoſities, wanted but a pretence for attacking the Meſſineſe; and they ſoon chaced them from the field, drove them into the town, and entered with them at the gates. The King employed his authority to reſtrain them from pillaging and maſſacring the defenceleſs inhabitants; but he gave orders, in token of his victory, that the ſtandard of England ſhould be erected on the walls. Philip, who conſidered that place as his quarters, exclaimed againſt the inſult, and ordered ſome of his troops to pull down the ſtandard: But Richard informed him by a meſſenger, that though he himſelf would willingly remove that ground of offence, he would not permit it to be done by others; and if the French King attempted ſuch an inſult upon him, he ſhould not ſucceed but by the utmoſt effuſion of blood. Philip, contented with this ſpecies of haughty ſubmiſſion, recalled his orders [h]: The difference was ſeemingly accommodated; but left ſtill the remains of rancour and jealouſy in the breaſt of the two monarchs.

3d October.

4th October.

TANCRED, who, for his own ſecurity, deſired to inflame their mutual hatred, practiſed an artifice, which might have been

[g] Bened. Abb. p. 608.

[h] Hoveden, p. 674.

CHAP. X. 1191.

attended with conſequences ſtill more fatal. He ſhowed Richard a letter, ſigned by the French King, and delivered to him, as he pretended, by the duke of Burgundy; in which that monarch deſired Tancred to fall upon the quarters of the Engliſh, and promiſed to aſſiſt him in putting them to the ſword, as common enemies. The unwary Richard gave credit to the information; but was too candid not to betray his diſcontent to Philip, who abſolutely denied the letter, and charged the Sicilian prince with forgery and falſehood. Richard either was, or pretended to be, entirely ſatisfied [i].

LEST theſe jealouſies and complaints ſhould multiply between them, it was propoſed, that, by a ſolemn treaty, they ſhould obviate all future differences, and adjuſt every point which could poſſibly hereafter become a controverſy between them. But this expedient ſtarted a new diſpute, which might have proved more dangerous than any of the foregoing, and which deeply concerned the honour of Philip's family. When Richard, in every treaty with Henry II. inſiſted ſo ſtrenuouſly on being allowed to marry Alice of France, he had only ſought a pretence for quarrelling; and never meant to take into his bed a princeſs ſuſpected of a criminal amour with his own father. After he became maſter, he no longer ſpoke of that alliance: He even took meaſures for eſpouſing Berengaria, daughter of Sanchez, King of Navarre, with whom he had become enamoured during his abode in Guienne [k]: Queen Eleanor was daily expected with that princeſs at Meſſina [l]: And when Philip renewed to him his applications for eſpouſing his ſiſter Alice, Richard was obliged to give him an abſolute refuſal. It is pretended by Hoveden and

[i] Hoveden, p. 688. Bened. Abb. p. 642, 643. Brompton, p. 1195.
[k] Viniſauf, p. 316. [l] M. Paris, p. 112. Trivet, p. 102. W. Heming. p. 519.

other

other hiſtorians[m], that he was able to produce ſuch convincing proofs of Alice's infidelity, and even of her having born a child to Henry, that her brother deſiſted from his applications, and choſe to wrap up the diſhonour of his family in ſilence and oblivion. It is certain, from the treaty itſelf, which yet remains[n], that, whatever were his motives, he permitted Richard to give his hand to Berengaria; and having ſettled all other controverſies with that prince, he immediately ſet ſail for the holy land. Richard awaited ſome time the arrival of his mother and bride; and when they joined him, he ſeparated his fleet into two ſquadrons, and ſet forward on his enterprize. Queen Eleanor returned to England; but Berengaria, and the Queen-dowager of Sicily, his ſiſter, attended him on the expedition[o]. CHAP. X. 1191.

THE Engliſh fleet, on leaving the port of Meſſina, met with a furious tempeſt; and the ſquadron, on which the two young princeſſes were embarked, was drove on the coaſt of Cyprus, and ſome of the veſſels were wrecked near Limiſſo in that iſland. Iſaac, prince of Cyprus, who aſſumed the magnificent title of Emperor, pillaged the ſhips that were ſtranded, threw the ſeamen and paſſengers into priſon, and even refuſed to the princeſſes liberty, in their dangerous ſituation, of entering the harbour of Limiſſo[p]. But Richard, who arrived ſoon after, took ample vengeance on him for the injury. He diſembarked his troops; defeated the tyrant, who oppoſed his landing; entered Limiſſo by ſtorm; gained next day a ſecond victory; obliged Iſaac to ſurrender at diſcretion; and eſtabliſhed governors over the iſland[q]. The Greek prince, being thrown into priſon and 12th April.

[m] Hoveden, p. 688.
[n] Rymer, vol. i. p. 69. Chron. de Dunſt. p. 44.
[o] Bened. Abb. p. 644.
[p] Viniſauf, p. 319, 320. W. Heming. p. 523.
[q] Bened. Abb. p. 645. Trivet, p. 103.

loaded

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1191.

loaded with irons, complained of the little regard with which he was treated: Upon which, Richard ordered ſilver fetters to be made for him; and this Emperor, pleaſed with the diſtinction, expreſſed a ſenſe of the generoſity of his conqueror [r]. The King here eſpouſed Berengaria [s], who, immediately embarking, carried along with her to Paleſtine the daughter of the Cypriot prince; a dangerous rival, who was believed to have ſeduced the affections of her huſband. Such were the libertine character and conduct of the heroes engaged in this pious enterprize!

12th May.

The King's arrival in Paleſtine.

THE Engliſh army arrived in time to partake in the glory of the ſiege of Acre or Ptolemais, which had been attacked for above two years by the united force of all the Chriſtians in Paleſtine, and had been defended by the utmoſt efforts of Saladin and the Saracens. The remains of the German army, conducted by the Emperor Frederic, and the ſeparate bodies of adventurers who continually poured in from the weſt, had enabled the King of Jeruſalem to form this important enterprize [t]: But Saladin, having thrown a ſtrong garriſon into the place under the command of Caracos [u], his own maſter in the art of war, and moleſting the beſiegers with continual attacks and incurſions, had protracted the ſucceſs of the enterprize, and waſted the force of his enemies. The arrival of Philip and Richard inſpired new life into the Chriſtians; and theſe princes, acting by concert, and ſharing the honour and danger of every action, gave hopes of a final victory over the infidels. They agreed on the plan of operations: When the French monarch attacked the town, the Engliſh guarded the trenches: Next day, when the Engliſh prince conducted the aſſault, the French ſuc-

[r] Bened. Abb. p. 650. Ann. Waverl. p. 164. Viniſauf, p. 328. W. Heming. p. 523.
[s] Hoveden, p. 692. Bened. Abb. p. 650. Knyghton, p. 2404.
[t] Viniſauf, p. 269, 271, 279. [u] Diceto, p. 654.

ceeded

ceeded him in providing for the ſafety of the aſſailants. The emulation between theſe rival Kings and rival nations produced extraordinary acts of valour; and Richard in particular, animated with a more precipitate courage than Philip, and more agreeable to the romantic ſpirit of that age, drew to himſelf the attention of all the world, and acquired a great and ſplendid reputation. But this harmony was of very ſhort duration; and occaſions of diſcord ſoon aroſe between theſe jealous and haughty princes.

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THE family of Boüillon, which had been firſt placed on the throne of Jeruſalem, ending in a female, Fulk, count of Anjou, grandfather to Henry II. of England, married the heireſs of that kingdom, and tranſmitted his title to the younger branches of his family. The Anjevin race, ending alſo in a female, Guy de Luſignan, by eſpouſing Sibylla, the heireſs, had ſucceeded to the title; and though he loſt his kingdom by the invaſion of Saladin, he was ſtill acknowledged by all the Chriſtians for King of Jeruſalem [x]. But as Sibylla died without iſſue, during the ſiege of Acre, Iſabella, her younger ſiſter, put in her claim to that titular kingdom, and required Luſignan to reſign his pretenſions to her huſband Conrade, marquis of Montſerrat. Luſignan, maintaining that the royal title was unalienable and indefeazable, had recourſe to the protection of Richard, attended on him before he left Cyprus, and engaged him to embrace his cauſe [y]. There needed no other reaſon for throwing Philip into the party of Conrade; and the oppoſite views of theſe great monarchs brought faction and diſſention into the Chriſtian army, and retarded all its operations [z]. The Templars, the Genoeſe, and the Germans,

State of Paleſtine.

[x] Viniſauf, p. 281. [y] Trivet, p. 104. Viniſauf, p. 342. W. Heming. p. 524.
[z] Hoveden, p. 693. M. Paris, p. 115. W. Heming. p. 524. Knyghton, p. 2405.

declared

CHAP. X. declared for Philip and Conrade; the Flemings, the Piſans, the knights of the hoſpital of St. John, adhered to Richard and Luſignan. But notwithſtanding theſe diſputes, as the length of the ſiege had reduced the Saracen garriſon to the laſt extremity, they ſurrendered themſelves priſoners; ſtipulated, for the ſaving their lives, other advantages to the Chriſtians [a], ſuch as the reſtoring of the Chriſtian priſoners, and the delivery of the wood of the true croſs [b]; and this great enterprize, which had long engaged the attention of all Europe and Aſia, was at laſt, after the loſs of 300,000 men, brought to a happy period.

1191.

12th July.

But Philip, inſtead of purſuing the hopes of farther conqueſt, and redeeming the holy city from ſlavery, being diſguſted with the aſcendant aſſumed and acquired by Richard, and having views of many advantages, which he might reap by his preſence in Europe, declared his reſolution of returning into France; and he pleaded his bad ſtate of health as an excuſe for his deſertion of the common cauſe [c]. He left, however, to Richard ten thouſand of his troops, under the command of the duke of Burgundy; and he renewed his oath never to commence hoſtilities againſt that prince's dominions during his abſence. But he had no ſooner reached Italy than he applied to Pope Celeſtine III. for a diſpenſation from this vow [d]; and when denied that requeſt, he ſtill proceeded, though after a covert manner, in a project, which the preſent ſituation of England rendered ſo inviting, and which gratified, in ſo eminent a degree, both his reſentment and his ambition.

Diſorders in England.

Immediately after Richard had left England, and begun his march to the holy land, the two prelates, whom he had ap-

[a] Hoveden, p. 695. M. Paris, p. 115. [b] Viniſauf, p. 341.
[c] Bened. Abb. p. 667. Viniſauf, p. 343. W. Heming. p. 527. Knyghton, p. 2405.
[d] Bened. Abb. p. 720. W. Heming. p. 527. Brompton, p. 1221.

pointed guardians of the realm, broke into animoſities againſt each other, and threw the whole kingdom into combuſtion. Longchamp, preſumptuous in his nature, elated by the favour of his maſter, and armed with the legatine commiſſion, could not ſubmit to an equality with the biſhop of Durham; and even went ſo far as to arreſt his colleague, and to extort from him a reſignation of the earldom of Northumberland, and of his other dignities, as the price of his liberty [e]. The King, informed of theſe diſſentions, ordered, by letters from Marſeilles, that the biſhop ſhould be reinſtated in his offices; but Longchamp had ſtill the boldneſs to refuſe compliance, on pretence that he himſelf was better acquainted with the King's ſecret intentions [f]. He proceeded to govern the kingdom by his ſole authority; to treat all the nobility with arrogance; and to diſplay his power and riches with an invidious oſtentation. He never travelled without a ſtrong guard of fifteen hundred foreign ſoldiers, collected from that licentious tribe with which the age was generally infeſted [g]: Nobles and knights were proud of being admitted into his train [h]: His retinue wore the aſpect of royal magnificence: And when, in his progreſs through the kingdom, he lodged in any monaſtery, his attendants, it is ſaid, were ſufficient to devour, in one night, the revenue of ſeveral years [i]. The King, who was detained in Europe longer than the haughty prelate expected, hearing of this oſtentation, which exceeded even what the habits of that age indulged to eccleſiaſtics; being alſo informed of the inſolent, tyrannical conduct of his miniſter; thought proper to reſtrain his exorbitant power; and he ſent new orders, appointing Walter archbiſhop of Roüen, William Mareſhal earl of Strigul, Geoffrey

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[e] Hoveden, p. 665. Knyghton, p. 2403. [f] W. Heming. p. 528. [g] Hoveden, p. 702. [h] M. Paris, p. 114. W. Heming. p. 528. [i] Hoveden, p. 680. Bened. Abb. p. 626, 700. Brompton, p. 1193.

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Fitz-Peter, William Briewere, and Hugh Bardolf, counſellors to Longchamp, and commanding him to take no meaſure of importance without their concurrence and approbation [k]. But ſuch general terror had this man impreſſed by his violent conduct, that even the archbiſhop of Roüen and the earl of Strigul durſt not produce this mandate of the King; and Longchamp ſtill maintained an uncontrouled authority over the nation [l]. But when he proceeded ſo far as to throw into priſon Geoffrey archbiſhop of York, who had oppoſed his meaſures [m], this breach of eccleſiaſtical privileges excited ſuch an univerſal ferment, that prince John, diſguſted with the ſmall ſhare he poſſeſſed in the government, and perſonally diſobliged by Longchamp, ventured to ſummon at Reading a general council of the nobility and prelates, and cite him to appear before them. Longchamp thought it dangerous to entruſt his perſon in their hands, and he ſhut himſelf up in the tower of London [n]: But being ſoon obliged to ſurrender that fortreſs, he fled beyond ſea, concealed under a female habit, and was deprived of his offices of chancellor and chief juſticiary; the laſt of which was conferred on the archbiſhop of Roüen, a prelate of great prudence and moderation [o]. The office of legate, however, which had been renewed to Longchamp by Pope Celeſtine, ſtill gave him, notwithſtanding his abſence, great authority in the kingdom, enabled him to diſturb the government, and forwarded the views of Philip, who watched every opportunity of annoying Richard's dominions. That monarch firſt attempted to carry open war into Normandy; but as the French nobility refuſed to follow him

1192.

[k] Hoveden, p. 687. Bened. Abb. p. 640. Diceto, p. 659. Brompton, p. 1194.
[l] Hoveden, p. 687.
[m] Hoveden, p. 701. Bened. Abb. p. 697. W. Heming. p. 529.
[n] Bened. Abb. p. 698. M. Paris, p. 117. W. Heming. p. 530. Brompton, p. 1126.
[o] W. Heming. p. 530.

in

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1192.

in an invaſion of a ſtate which they had ſworn to protect, and as the Pope, who was the general guardian of all princes that had taken the croſs, threatened him with eccleſiaſtical cenſures, he deſiſted from his enterprize, and employed againſt England the expedient of ſecret policy and intrigue. He debauched prince John from his allegiance; promiſed him his ſiſter Alice in marriage; offered to give him poſſeſſion of all Richard's tranſmarine dominions; and had not the authority of Queen Eleanor, and the menaces of the Engliſh council, prevailed over the inclinations of that turbulent prince, he was ready to have croſſed the ſeas, and to have put in execution his criminal enterprizes.

The King's heroic actions in Paleſtine.

THE jealouſy of Philip was every moment excited by the glory which the great actions of Richard were gaining him in the Eaſt, and which, being compared to his own deſertion of that popular cauſe, threw a double luſtre on his rival. His envy, therefore, prompted him to obſcure that fame, which he had not equalled; and he embraced every pretence of throwing the moſt violent and moſt improbable calumnies on the King of England. There was a petty prince in Aſia, commonly called *The old man of the mountain*, who had acquired ſuch an aſcendant over his fanatical ſubjects, that they paid the moſt implicit deference to all his commands; eſteemed aſſaſſination meritorious, when ſanctified by his mandate; courted danger, and even certain death, in the execution of his orders; and fancied, that where they ſacrificed their lives for his ſake, the higheſt joys of paradiſe were the infallible reward of their devoted obedience[p]. It was the cuſtom of this prince, when he imagined himſelf in-

[p] W. Heming. p. 532. Brompton, p. 1243.

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jured, to diſpatch ſecretly ſome of his ſubjects againſt the aggreſſor, to charge them with the execution of his revenge, to inſtruct them in every art of diſguiſing their purpoſe; and no precaution was ſufficient to guard any man, however powerful, againſt the attempts of theſe ſubtle and determined ruffians. The greateſt monarchs ſtood in awe of this prince of the Aſſaſſins, (for that was the name of his people; whence the word has been transferred into moſt European languages) and it was the higheſt indiſcretion of Conrade, marquis of Montferrat, to offend and affront him. The inhabitants of Tyre, who were governed by that nobleman, had put to death ſome of this dangerous people: The prince demanded ſatisfaction; for as he piqued himſelf on never beginning any offence[q], he had his regular and eſtabliſhed formalities in requiring atonement: Conrade treated his meſſengers with diſdain: The prince iſſued the fatal orders: Two of his ſubjects, who had inſinuated themſelves in diſguiſe among Conrade's guards, openly, in the ſtreets of Sidon, put him to death; and when they were ſeized and put to the moſt cruel tortures, they triumphed amidſt their agonies, and rejoiced that they had been deſtined by heaven to ſuffer in ſo juſt and meritorious a cauſe.

EVERY one in Paleſtine knew from what hand the blow came. Richard was entirely free from ſuſpicion. Though that monarch had formerly maintained the cauſe of Luſignan againſt Conrade, he had become ſenſible of the bad effects attending theſe diſſenſions, and had voluntarily conferred on the former the kingdom of Cyprus, on condition that he ſhould reſign to his rival all pretenſions to the crown of Jeruſalem[r]. Conrade himſelf, with his dying breath, had recommended his widow to

[q] Rymer, vol. i. p. 71.

[r] Viniſauf, p. 391.

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the protection of Richard[s]; the prince of the aſſaſſins avowed the action in a formal narrative which he ſent to Europe[t]; yet, on this foundation, the King of France thought fit to build the moſt egregious calumnies, and to impute to Richard the murder of the marquis of Montferrat, whoſe elevation he had once openly oppoſed. He filled all Europe with exclamations againſt the crime; and appointed a guard to his own perſon, in order to defend himſelf againſt a like attempt[u]; and endeavoured, by theſe ſhallow artifices, to cover the infamy of attacking the dominions of a prince, whom he himſelf had deſerted, and who was engaged with ſo much glory in a war, univerſally acknowledged to be the common cauſe of Chriſtendom.

But Richard's heroic actions in Paleſtine were the beſt apology for his conduct. The chriſtian adventurers under his command determined, on opening the campaign, to attempt the ſiege of Aſcalon, in order to prepare the way for that of Jeruſalem; and they marched along the ſea-coaſt with that intention. Saladin propoſed to intercept their paſſage; and he placed himſelf on the road with an army, amounting to 300,000 combatants. On this occaſion was fought one of the greateſt battles of that age; and the moſt celebrated, for the military genius of the commanders, for the number and valour of the troops, and for the great variety of events which attended it. Both the right wing of the Chriſtians, commanded by d'Aveſnes, and the left, headed by the duke of Burgundy, were, in the beginning of the day, broken and defeated; when Richard, who led on the main body, reſtored the battle; attacked the enemy with intre-

[s] Brompton, p. 1243. [t] Rymer, vol. i. p. 71. Trivet, p. 124. W. Heming. p. 544. Diceto, p. 680. [u] W. Heming. p. 532. Brompton, p. 1243.

pidity

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pidity and preſence of mind; performed the part both of a conſummate general and gallant ſoldier; and not only gave his two wings leiſure to recover from their confuſion, but obtained a compleat victory over the Saracens, of whom forty thouſand are ſaid to have periſhed in the field [x]. Aſcalon ſoon after fell into the hands of the Chriſtians: Other ſieges were carried on with ſucceſs: Richard was even able to advance within ſight of Jeruſalem, the object of all his enterprizes; when he had the mortification to find, that he muſt abandon all hopes of immediate ſucceſs, and muſt put a ſtop to his career of victory. The cruſaders, animated with an enthuſiaſtic ardor for the holy wars, broke at firſt through all regards to ſafety or intereſt in the proſecution of their purpoſe; and truſting to the immediate aſſiſtance of heaven, ſet nothing before their eyes but fame and victory in this world, and a crown of glory in the next. But long abſence from home, fatigue, diſeaſe, want, and the varieties of ſucceſs which naturally attend war, had gradually abated that fury, which nothing was able directly to withſtand; and every one, except the King of England, expreſſed a deſire of ſpeedily returning into Europe. The Germans and the Italians declared their reſolution of deſiſting from the enterprize: The French were ſtill more obſtinate in this purpoſe: The duke of Burgundy, in order to pay court to Philip, took all opportunities of mortifying and oppoſing Richard [y]: And there appeared an abſolute neceſſity of abandoning for the preſent all hopes of farther conqueſt, and of ſecuring the acquiſitions of the Chriſtians by an accommodation with Saladin. Richard, therefore, concluded a truce with that monarch; and ſtipulated, that Acre, Joppa, and other ſeaport towns of Paleſtine, ſhould

[x] Hoveden, p. 698. Bened. Abb. p. 677. Diceto, p. 662. Brompton, p. 1214.
[y] Viniſauf, p. 380.

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remain in the hands of the Chriſtians, and that every one of that religion ſhould have liberty to perform his pilgrimage to Jeruſalem unmoleſted [z]. This truce was concluded for three years, three months, three weeks, three days, and three hours; a magical number, which had probably been deviſed by the Europeans, and which was ſuggeſted by a ſuperſtition well ſuited to the object of the war.

THE liberty in which Saladin indulged the Chriſtians, to perform their pilgrimages to Jeruſalem, was an eaſy ſacrifice on his part; and the furious wars, which he waged in defence of the barren territory of Judea, were not with him, as with the European adventurers, the reſult of ſuperſtition, but of policy. The advantage indeed of ſcience, moderation, humanity, was at that time entirely on the ſide of the Saracens; and this gallant Emperor, in particular, diſplayed, during the courſe of the war, a ſpirit and generoſity, which even his bigotted enemies were obliged to acknowledge and admire. Richard, equally martial and brave, carried with him more of the barbarian character; and was guilty of acts of ferocity, which threw a ſtain on his celebrated victories. When Saladin refuſed to ratify the capitulation of Acre, the King of England ordered all his priſoners, to the number of five thouſand, to be butchered; and the Saracens found themſelves obliged to retaliate upon the Chriſtians by a like cruelty [a]. Saladin died at Damaſcus ſoon after the concluſion of the truce with the princes of the cruſade; and it is memorable, that, before he expired, he ordered his winding-ſheet to be carried as a ſtandard through every ſtreet of the city; while a crier went before, and proclaimed with a loud voice,

[z] Trivet, p. 123. [a] Hoveden, p. 697. Bened. Abb. p. 673. M. Paris, p. 115. Vinſauf, p. 346. W. Heming. p. 531.

This

CHAP. X.

1192.

This is all that remains to the mighty Saladin, the conqueror of the East. By his laſt will, he ordered charities to be diſtributed to the poor, without diſtinction of Jew, Chriſtian, or Mahometan.

The King's return from Paleſtine.

THERE remained, after the truce, no buſineſs of importance to detain Richard in Paleſtine; and the intelligence which he received, of the intrigues of his brother John, and of the King of France, made him ſenſible, that his preſence was neceſſary in Europe [b]. As he dared not to paſs through France, he ſailed to the Adriatic; and being ſhipwrecked near Aquileia, he put on the diſguiſe of a pilgrim, with a purpoſe of taking his journey ſecretly through Germany. Purſued by the governor of Iſtria [c], he was forced out of the direct road to England, and was obliged to paſs by Vienna; where his expences and liberalities betrayed the monarch in the habit of the pilgrim; and he was

20th December.

arreſted by orders of Leopold, duke of Auſtria [d]. This prince had ſerved under Richard at the ſiege of Acre; but being diſguſted by ſome inſult of this haughty monarch, he was ſo ungenerous as to ſeize the preſent opportunity of gratifying at once his avarice and revenge; and he threw the King into priſon [e]. The Emperor, Henry VI. who alſo conſidered Richard as an enemy, on account of the alliance contracted by him with Tancred, King of Sicily, diſpatched meſſengers to the duke of Auſtria, required the royal captive to be delivered to him, and ſtipulated a large ſum of money as a reward for this ſervice [f].

1193.

Captivity in Germany.

Thus the King of England, who had filled the whole world with his renown and glory, found himſelf, during the moſt

[b] Brompton, p. 1243. [c] Rymer, vol. i. p. 70. [d] Hoveden, p. 717. M. Paris, p. 121. Trivet, p. 124. Knyghton, p. 2407. [e] M. Paris, p. 118. W. Heming. p. 535. Brompton, p. 1250. [f] M. Weſt. p. 258.

critical

critical ſtate of his affairs, confined to a dungeon, and loaded with irons, in the heart of Germany [g], and entirely at the mercy of his enemies, the baſeſt and moſt ſordid of mankind. CHAP. X. 1193.

THE Engliſh council were aſtoniſhed on receiving this fatal intelligence; and foreſaw all the dangerous conſequences, which might naturally ariſe from that event. The Queen-dowager wrote reiterated letters to Pope Celeſtine; exclaiming againſt the injury which her ſon had ſuſtained, repreſenting the impiety of detaining in priſon the moſt illuſtrious prince who had yet carried the banners of Chriſt into the holy land; claiming the protection of the apoſtolic ſee, which was due even to the meaneſt of theſe adventurers; and upbraiding the Pope, that in a cauſe where juſtice, religion, and the dignity of the church, were ſo much concerned; a cauſe which it might well befit his Holineſs himſelf to ſupport by taking in perſon a journey into Germany, the ſpiritual thunders ſhould be ſo long ſuſpended over theſe ſacrilegious offenders [h]. The zeal of Celeſtine corre-ſponded not to the impatience of the Queen-mother; and the regency of England were, for a long time, left to ſtruggle alone with all their domeſtic and foreign enemies.

THE King of France, quickly informed of Richard's con-finement by a meſſage from the Emperor [i], prepared himſelf to take advantage of that incident; and he employed every means of force and intrigue, of war and negotiation, againſt the do-minions and the perſon of his unfortunate rival. He revived the calumny of Richard's aſſaſſinating the marquis of Montferrat; and by that abſurd pretence, he induced his barons to violate War with France.

[g] Chron. T. Wykes, p. 35.
[h] Rymer, vol. i. p. 72, 73, 74, 75, 76, &c.
[i] Rymer, vol. i. p. 70.

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their oaths, by which they had engaged, that, during the cruſade, they never would, on any account, attack the dominions of the King of England [k]. He made the Emperor the largeſt offers, if he would deliver into his hands the royal priſoner, or at leaſt detain him in perpetual captivity; and he even formed an alliance by marriage with the King of Denmark, deſired that the antient Daniſh claim to the crown of England ſhould be transferred to him, and ſolicited a ſupply of ſhipping to maintain it [l]. But the moſt ſucceſsful of Philip's negotiations was with prince John, who, forgetting every tye to his brother, his ſovereign, and his benefactor, thought of nothing but how to make his own advantage of the public calamities. That traitor, on the firſt invitation from the court of France, ſuddenly went abroad, held a conference with Philip, and made a treaty, of which the object was the perpetual ruin of his unhappy brother [m]. He ſtipulated to deliver into Philip's hands a great part of Normandy [n]; and in return, he received the inveſtiture of all Richard's tranſmarine dominions; and it is reported by ſeveral hiſtorians, that he even did homage to the French King for the crown of England.

In conſequence of this treaty, Philip invaded Normandy; and by the treachery of John's emiſſaries, made himſelf maſter, without oppoſition, of many fortreſſes, Neuf-chatel, Neaufle, Giſors, Pacey, Ivreé [o]: He ſubdued the counties of Eu and Aumale; and advancing to form the ſiege of Roüen, he threatened to put all the inhabitants to the ſword, if they dared to make reſiſtance. Happily, Robert earl of Leiceſter appeared in

[k] Hoveden, p. 717. Brompton, p. 1244. [l] Hoveden, p. 731. W. Heming. p. 533. Brompton, p. 1244. Knyghton, p. 2406. [m] Hoveden, p. 724. W. Heming. p. 536. [n] Rymer, vol. i. p. 85. [o] W. Heming. p. 537.

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that critical moment; a gallant nobleman, who had acquired great honour during the cruſade, and who being more fortunate than his maſter in finding his paſſage homewards, took on him the command in Roüen, and exerted himſelf, by his preſence and example, to infuſe courage into the diſmayed Normans[p]. Philip was repulſed in every attack; the time of his vaſſals' ſervice expired; and he conſented to a truce with the Engliſh regency, received in return the promiſe of 20,000 marks, and had four caſtles put into his hands, as ſecurity for the payment[q].

PRINCE John, who, with a view of increaſing the general confuſion, went over to England, was ſtill leſs ſucceſsful in his enterprizes. He was only able to make himſelf maſter of the caſtles of Windſor and Wallingford; but when he arrived in London, and claimed the kingdom as heir to his brother, of whoſe death he pretended to have received certain intelligence, he was rejected by all the barons, and meaſures were taken to oppoſe and ſubdue him[r]. The juſticiaries, ſupported by the general affection of the people, provided ſo well for the defence of the kingdom, that John was obliged, after ſome fruitleſs efforts, to conclude a truce with them; and before its expiration, he thought it prudent to return into France, where he openly acknowledged his alliance with Philip[s].

MEAN while, the high ſpirit of Richard ſuffered in Germany every kind of inſult and indignity. The French ambaſſadors, in their maſter's name, renounced him as a vaſſal to the crown of France, and declared all his fiefs to be forfeited to his liege-

[p] Hoveden, p. 724. M. Paris, p. 122. [q] Hoveden, p. 730, 731. Rymer, vol. i. p. 81. [r] Hoveden, p. 724. [s] W. Heming. p. 536.

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lord. The Emperor, that he might render him more impatient for the recovery of his liberty, and make him ſubmit to the payment of a larger ranſom, treated him with the greateſt ſeverity, and reduced him to a condition worſe than that of the meaneſt malefactor. He was even produced before the diet of the empire at Worms, and accuſed by Henry of many crimes and miſdemeanors; of making an alliance with Tancred, the uſurper of Sicily; of turning the arms of the cruſade againſt a Chriſtian prince, and ſubduing Cyprus; of affronting the duke of Auſtria before Acre; of obſtructing the progreſs of the Chriſtian arms by his quarrels with the King of France; of aſſaſſinating Conrade, marquis of Montferrat; and of concluding a truce with Saladin, and leaving Jeruſalem in the hands of the Saracen Emperor [a]. Richard, whoſe ſpirit was not broken by his misfortunes, and whoſe genius was rather rouzed by theſe frivolous or ſcandalous imputations; and premiſing, that his dignity exempted him from anſwering before any juriſdiction, except that of heaven; yet condeſcended, for the ſake of his reputation, to juſtify his conduct before that great aſſembly. He obſerved, that he had no hand in Tancred's elevation, and only concluded a treaty with a prince, whom he found in poſſeſſion of the throne: That the King, or rather tyrant of Cyprus, had provoked his indignation by the moſt ungenerous and unjuſt proceedings; and though he chaſtiſed this aggreſſor, he had not retarded a moment the progreſs of his chief enterprize: That if he had been at any time wanting in civility to the duke of Auſtria, he had already been puniſhed ſufficiently for that ſally of paſſion; and it better became men, embarked together in ſo holy a cauſe, to forgive each other's infirmities, than to purſue a ſlight offence with ſuch unrelenting vengeance: That it

[a] M. Paris, p. 121. W. Heming. p. 536.

had

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had ſufficiently appeared by the event, whether the King of France or he was moſt zealous for the conqueſt of the holy land, and was moſt likely to ſacrifice private paſſions and animoſities to that great object: That if the whole tenor of his life had not ſhown him incapable of a baſe aſſaſſination, and juſtified him from that imputation in the eyes of his very enemies, it was in vain for him, at preſent, to make his apology, or plead the many irrefragable arguments, which he could produce in his own favour: And that, however he might regret the neceſſity, he was ſo far from being aſhamed of his truce with Saladin, that he rather gloried in that event; and thought it extremely honourable, that, though abandoned by all the world, ſupported only by his own courage and by the ſmall remains of his national troops, he could yet obtain ſuch conditions from the moſt powerful and moſt warlike Emperor that the Eaſt had ever yet produced. Richard, after thus deigning to apologize for his conduct, burſt out into indignation at the cruel treatment which he had met with; that he, the champion of the croſs, ſtill wearing that honourable badge, ſhould, after expending the blood and treaſure of his ſubjects in the common cauſe of Chriſtendom, be intercepted by Chriſtian princes in his return to his own country, be thrown into a dungeon, be loaded with irons, be obliged to plead his cauſe, as if he were a ſubject and a malefactor; and what he ſtill more regretted, be thereby prevented from making his preparations for a new cruſade, which he projected, after the expiration of the truce, and from redeeming the ſepulchre of Chriſt, which had ſo long been profaned by the dominion of the infidels. The ſpirit and eloquence of Richard made ſuch impreſſion on the German princes, that they exclaimed loudly againſt the conduct of the Emperor; the Pope threatened him with excommunication; and

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and Henry, who had hearkened to the propoſals of the King of France and prince John, found that it would be impracticable for him to execute his and their baſe purpoſes, and detain the King of England any longer in captivity. He therefore concluded with him a treaty for his ranſom, and agreed to reſtore him to his freedom for the ſum of 150,000 marks, about 300,000 pounds of our preſent money; of which 100,000 marks were to be paid before he received his liberty, and ſixty-ſeven hoſtages delivered for the remainder [u]. The Emperor, as if to gloſs over the infamy of this tranſaction, made at the ſame time a preſent to Richard of the kingdom of Arles, comprehending Provence, Dauphiny, Narbonne, and other ſtates, over which the empire had ſome antiquated claims, that the King very wiſely neglected [x].

The King's delivery.

THE captivity of the ſuperior lord was one of the caſes provided for by the feudal tenures; and all the vaſſals were in that event obliged to give an aid for his ranſom. Twenty ſhillings were therefore levied on each knight's fee in England [y]; but as this money came in ſlowly, and was not ſufficient for the intended purpoſe, the voluntary zeal of the people readily ſupplied the defect [z]. The churches and monaſteries melted down their plate, to the amount of 30,000 marks; the biſhops, abbots, and nobles, paid a fourth of their yearly rent; the parochial clergy contributed a tenth of their tythes: And the requiſite ſum being thus collected, Queen Eleanor, and Walter archbiſhop of Roüen, ſet out with it for Germany; paid the money to the Emperor and the duke of Auſtria at Mentz; delivered them

1194. 4th Feb.

[u] Hoveden, p. 728. M. Paris, p. 122. Diceto, p. 670. Rymer, vol. i. p. 84.
[x] Hoveden, p. 732. [y] Hoveden, p. 726, 731. [z] M. Paris, p. 122. Ann. Waverl. p. 164. W. Heming. p. 538.

hoſtages

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hoſtages for the remainder; and freed Richard from captivity. His eſcape was very critical. Henry had been detected in the aſſaſſination of the biſhop of Liege, and in an attempt of a like nature on the duke of Louvaine; and finding himſelf extremely obnoxious to the German princes on account of theſe odious practices, he had determined to ſeek ſupport from an alliance with the French King [a]; to detain Richard, the enemy of that prince, in perpetual captivity; to keep in his hands the money which he had already received for his ranſom; and to extort new ſums from Philip and Prince John, who were very liberal in their offers to him [b]. He therefore gave orders that Richard ſhould be purſued and arreſted; but the King making all imaginable haſte, had already embarked at the mouth of the Schelde, and was out of ſight of land when the meſſengers of the Emperor reached Antwerp.

King's return to England. 20th March.

THE joy of the Engliſh was extreme on the appearance of their monarch, who had ſuffered ſo many calamities, who had acquired ſo much glory, and who had ſpread the reputation of their name into the fartheſt Eaſt, whither their fame had never before been able to extend [c]. He gave them, ſoon after his arrival, an opportunity of diſplaying publicly their exultation, by ordering himſelf to be crowned anew at Wincheſter; as if he intended, by that ceremony, to reinſtate himſelf in his throne, and to wipe off the ignominy of his captivity [d]. Their ſatiſfaction was not even damped, when he declared his purpoſe of making a general reſumption of thoſe exorbitant grants, which he had been neceſſitated to agree to before his departure for the holy land. The barons alſo, in a great council, for-

[a] Hoveden, p. 727. Neubrig. W. Heming. p. 539. [b] Hoveden, p. 733.
[c] W. Heming. p. 539. [d] Hoveden, p. 738. M. Paris, p. 122.

feited,

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feited, on account of his treaſon, all prince John's poſſeſſions in England; and they aſſiſted the King in reducing the fortreſſes which ſtill remained in the hands of his brother's adherents[e]: And Richard, having ſettled every thing in England, paſſed over with an army into Normandy; being impatient to make war on Philip, and to revenge himſelf for the many injuries which he had received from that monarch[f]. So ſoon as Philip heard of the King's delivery from captivity, he wrote to his confederate, John, in theſe terms: *Take care of yourſelf: The devil is broke looſe*[g].

War with France.

WHEN we conſider ſuch powerful and martial monarchs, inflamed with perſonal animoſity againſt each other, enraged by mutual injuries, excited by rivalſhip, impelled by oppoſite intereſts, and inſtigated by the pride and violence of their own temper; our curioſity is naturally raiſed, and we expect an obſtinate and furious war, diſtinguiſhed by the greateſt events, and concluded by ſome remarkable cataſtrophe. Yet are the incidents which attended theſe hoſtilities ſo frivolous, that ſcarce any hiſtorian can entertain ſuch a paſſion for military deſcriptions as to venture on a detail of them: A certain proof of the extreme weakneſs of princes in thoſe ages, and of the little authority they poſſeſſed over their refractory vaſſals! The whole amount of the exploits on both ſides is, the taking a caſtle, the ſurpriſe of a ſtraggling party, a rencounter of horſe, which reſembles more a rout than a battle. Richard obliged Philip to raiſe the ſiege of Verneüil; he took Loches, a ſmall town in Anjou; he made himſelf maſter of Beaumont, and ſome other places of little conſequence; and after theſe trivial exploits,

[e] Hoveden, p. 737. Ann. Waverl. p. 165. W. Heming. p. 540.
[f] Hoveden, p. 740. [g] Hoveden, p. 739.

the

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the two Kings began already to hold conferences for an accommodation. Philip inſiſted, that, if a general peace was concluded, the barons on each ſide ſhould be prohibited from carrying on private wars againſt each other: But Richard replied, that this was a right claimed by his vaſſals, and he could not debar them from it [h]. After this fruitleſs negociation, there enſued an action between the French and Engliſh cavalry at Fretteval, in which the former were routed, and the King of France's cartulary and records, which commonly at that time attended his perſon, were taken [i]. But this victory leading to no important advantages, a truce for a year was at laſt, from mutual weakneſs, concluded between the two monarchs [k].

DURING this war, prince John deſerted Philip, threw himſelf at his brother's feet, craved pardon for his offences, and by the interceſſion of Queen Eleanor, was received into favour [l]. *I forgive him*, ſaid the King, *and hope I ſhall as eaſily forget his injuries, as he will my pardon.* John was incapable even of returning to his duty, without committing a baſeneſs. Before he left Philip's party, he invited to dinner all the officers of the garriſon, which that prince had placed in the citadel of Evreux; he maſſacred them during the entertainment; fell, with the aſſiſtance of the townſmen, on the garriſon, whom he put to the ſword; and then delivered up the place to his brother [m].

THE King of France was the great object of Richard's reſentment and animoſity: The conduct of John, as well as of the Emperor and duke of Auſtria, had been ſo baſe and mean, and

[h] Hoveden, p. 741. [i] Ibid. [k] W. Heming. p. 541.
[l] M. Paris, p. 122. W. Heming. p. 542. [m] Phillipid. lib. 4. p. 143. Rigord, p. 77.

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was expoſed to ſuch general odium and reproach, that the King deemed himſelf ſufficiently revenged for their injuries; and he ſeems never to have entertained any project of vengeance againſt any of them. The duke of Auſtria, about this time, having cruſhed his leg by the fall of his horſe at a tournament, was thrown into a fever; and being ſtruck, on the approaches of death, with remorſe for his injuſtice to Richard, he ordered, by will, all the Engliſh hoſtages to be ſet at liberty, and the remainder of the debt to be remitted [n]: His ſon, who ſeemed inclined to diſobey theſe orders, was conſtrained by his eccleſiaſtics to execute them [o]. The Emperor alſo made advances for Richard's friendſhip, and offered to give him a diſcharge of all his debt, provided he would enter into an offenſive alliance againſt the King of France; a propoſal which was very acceptable to Richard, and was greedily embraced by him. The treaty with the Emperor took no effect; but it ſerved to rekindle the war between France and England before the expiration of the truce. This war was not diſtinguiſhed by any more remarkable incident than the former. After mutually ravaging the open country, and taking a few inſignificant caſtles, the two Kings concluded a peace at Louviers, and yielded up ſome territories to each other [p]. Their inability to make war occaſioned the peace: Their mutual antipathy engaged them again in war before two months expired. Richard imagined, that he had now got an opportunity of ſtriking a ſevere blow on his rival, by forming an alliance with the counts of Flanders, Tholouſe, Boulogne, Champagne, and other conſiderable vaſſals of the crown of France [q]. But he ſoon experienced the inſincerity of theſe

1194.

1195.

1196.

[n] M. Paris, p. 125. W. Heming. p. 542. Diceto, p. 678. [o] Rymer, vol. i. p. 88, 102. [p] Rymer, vol. i. p. 91. [q] W. Heming. p. 549. Brompton, p. 1273. Rymer, vol. i. p. 94.

princes;

princes; and was not able to make any impreſſion on that kingdom, while governed by a monarch of ſo much vigour and activity as Philip. The moſt remarkable incident of this war was the taking priſoner in battle the biſhop of Beauvais, a martial prelate, who was of the family of Dreux, and a near relation of the French King. Richard, who hated that biſhop, threw him into priſon, and loaded him with irons; and when the Pope demanded his liberty, and claimed him as his ſon, the King ſent his Holineſs the coat of mail which the prelate had worn in the battle, and which was all beſmeared with blood: And he replied to him, in the terms employed by Jacob's ſons to that patriarch, *This have we found: Know now whether it be thy ſon's coat or no*[r]. This war between England and France, though carried on with ſuch animoſity, that both Kings frequently put out the eyes of their priſoners, was ſoon finiſhed, by a truce of five years; and immediately after ſigning this treaty, the Kings were ready, on ſome new offence, to break again into hoſtilities; when the mediation of the cardinal of St. Mary, the Pope's legate, accommodated the difference[s]. This prelate even engaged the princes to commence a treaty for a more durable peace; but the death of Richard put an end to the negotiation.

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VIDOMAR, a viſcount of Limoges, a vaſſal of the King, had found a treaſure, of which he ſent part to that prince as a preſent. Richard, as ſuperior lord, claimed the whole; and at the head of ſome Brabançons, beſieged the viſcount in the caſtle of Chalus, near Limoges, in order to make him comply with his demand[t]. The garriſon offered to ſurrender; but the King 1199.

[r] Geneſ. chap. xxxvii. verſe 32. M. Paris, p. 128. Brompton, p. 1273.
[s] Rymer, vol. i. p. 109, 110. [t] Hoveden, p. 791. Knyghton, p. 2413.

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replied, that, ſince he had taken the pains to come thither and beſiege the place in perſon, he would take it by force, and would hang every one of them. The ſame day, Richard, accompanied by Marcadée, leader of his Brabançons, approached the caſtle in order to ſurvey it; when one Bertrand de Gourdon, an archer, took aim at him, and pierced his ſhoulder
28th March. with an arrow. The King, however, gave orders for the aſſault, took the place, and hanged all the garriſon, except Gourdon, who had wounded him, and whom he reſerved for a more deliberate and more cruel execution[u].

THE wound was not in itſelf dangerous; but the unſkilfulneſs of the ſurgeon made it mortal: He ſo rankled Richard's ſhoulder in pulling out the arrow, that a gangrene commenced; and that prince was now ſenſible that his life was drawing towards a period. He ſent for Gourdon, and aſked him, *Wretch, what have I ever done you, to oblige you to ſeek my life?* —*What have you done me?* replied coolly the priſoner: *You killed with your hands my father, and my two brothers; and you intended to have hanged myſelf: I am now in your power, and you may take revenge, by inflicting on me the moſt ſevere torments: But I ſhall endure them all with pleaſure, provided I can think that with my hands I have rid the world of ſuch a nuiſance*[x]. Richard, ſtruck with the reaſonableneſs of this reply, and humbled by the near approach of death, ordered Gourdon to be ſet at liberty, and a ſum of money to be given him; but Marcadée, unknown to him, ſeized the unhappy
6th April. Death man, flead him alive, and then hanged him. Richard died in the tenth year of his reign, and the forty-ſecond of his age; and he left no iſſue behind him.

[u] Hoveden, p. 791. Knyghton, p. 2413.
[x] Hoveden, p. 791. Brompton, p. 1277. Knyghton, p. 2413.

THE

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1199. and character of the King.

THE moſt ſhining part of this prince's character was his military talents. No man, even in that romantic age, carried perſonal courage and intrepidity to a greater height; and this quality gained him the appellation of the lion-hearted, *cœur de lion.* He paſſionately loved glory, chiefly military glory; and as his conduct in the field was not inferior to his valour, he ſeems to have poſſeſſed every talent neceſſary for acquiring it. His reſentments alſo were high; his pride unconquerable; and his ſubjects, as well as his neighbours, had therefore reaſon to apprehend, from the continuance of his reign, a perpetual ſcene of blood and violence. Of an impetuous and vehement ſpirit, he was diſtinguiſhed by all the good, as well as the bad qualities, which are incident to that character: He was open, frank, generous, ſincere, and brave; he was revengeful, domineering, ambitious, haughty, and cruel; and was thus better calculated to dazzle men by the ſplendor of his enterprizes, than either to promote their happineſs or his own grandeur, by a ſound and well regulated policy. As military talents make great impreſſion on the people, he ſeems to have been much beloved by his Engliſh ſubjects; and he is remarked to have been the firſt prince of the Norman line who bore a ſincere affection and regard to them. He paſſed however only four months of his reign in that kingdom: The cruſade employed him near three years; he was detained about fourteen months in captivity; the reſt of his reign was ſpent either in war, or preparations for war, againſt France; and he was ſo pleaſed with the fame which he had acquired in the Eaſt, that he ſeems to have determined, notwithſtanding all his paſt misfortunes, to have farther exhauſted his kingdom, and to have expoſed himſelf to new hazards, by conducting another expedition againſt the infidels.

CHAP. X.

1199. Miſcellaneous tranſactions of this reign.

THOUGH the Engliſh pleaſed themſelves with the glory which the King's martial talents procured them, his reign was very oppreſſive, and ſomewhat arbitrary, by the high taxes which he levied on them, and often without conſent of the ſtates or great council. In the ninth of his reign, he levied five ſhillings on each hyde of land; and becauſe the clergy refuſed to contribute their ſhare, he put them out of the protection of law, and ordered the civil courts to give them no ſentence for any debts which they might claim [y]. Twice in his reign he ordered all his charters to be ſealed anew, and the parties to pay fees for the renewal [z]. It is ſaid that Hubert, his juſticiary, ſent him over to France, in the ſpace of two years, no leſs a ſum than 1,100,000 marks, beſides bearing all the charges of the government in England. But this account is quite incredible, unleſs we ſuppoſe that he made an extreme dilapidation of the demeſnes of the crown, which it is not likely he could do with any advantage after his former reſumption of all grants. A King who poſſeſſed ſuch a revenue could never have endured fourteen months captivity, for not paying 150,000 marks to the Emperor, and be obliged at laſt to leave hoſtages for a third of the ſum. The price of commodities in this reign are alſo a certain proof, that no ſuch enormous ſum could be levied from the people. A hyde of land, or a hundred and twenty acres, was commonly let for twenty ſhillings a-year, money of that time. The general and ſtated price of an ox was four ſhillings; of a labouring horſe, the ſame; of a ſow, one ſhilling; of a ſheep with fine wool, ten pence; with coarſe wool, ſix pence [a].

[y] Hoveden, p. 743. Tyrrel, vol. ii. p. 563.
[z] Prynne's Chronol. Vindic. tom. i. p. 1133.
[a] Hoveden, p. 745.

Theſe

CHAP. X.

1199.

Theſe commodities ſeem not to have advanced in their prices ſince the conqueſt [b].

RICHARD renewed the ſevere laws againſt tranſgreſſors in his foreſts, whom he puniſhed by caſtration and putting out their eyes, as in the reign of his great-grand-father. He eſtabliſhed by law one weight and meaſure throughout his kingdom [c]: An uſeful inſtitution, which the mercenary diſpoſition and neceſſities of his ſucceſſor engaged him to diſpenſe with for money.

THE diſorders in London, derived from its bad police, had riſen to a great height during this reign; and in the year 1196, there ſeemed to be formed a regular conſpiracy of malefactors, which threatened the city with deſtruction. There was one William Fitz-Oſbert, commonly called *Longbeard*, a lawyer, who had rendered himſelf extremely popular among the lower rank of citizens; and by defending them on all occaſions, had acquired the appellation of the advocate or ſaviour of the poor. He exerted his authority, by injuring and inſulting the more ſubſtantial inhabitants, with whom he lived in a ſtate of hoſtility, and who were every moment expoſed to the moſt outragious violences from him and his licentious emiſſaries. Murders were daily committed in the ſtreets; houſes were broke open and

[b] Madox, in his Baronia Anglia, cap. 14. tells us, That in the 30th of Henry II. thirty-three cows and two bulls coſt but eight pounds ſeven ſhillings; 500 ſheep, twenty-two pounds ten ſhillings, or about ten pence three farthings per ſheep; ſixty-ſix oxen for eighteen pounds three ſhillings; fifteen breeding mares for two pounds twelve ſhillings and ſix pence; and twenty-two hogs, one pound two ſhillings. Commodities ſeem then to have been about ten to one cheaper; all except the ſheep, probably on account of the value of the fleece. The ſame author in his Formulare Anglicanum, p. 17. ſays, That in the 10th year of Richard I. mention is made of ten per cent. paid for money: But the Jews frequently exacted much higher intereſt.

[c] M. Paris, p. 109, 134. Trivet, p. 127. Ann. Waverl. p. 165. Hoveden, p. 774.

CHAP. X.

1189.

pillaged in day-light; and it is pretended, that no leſs than fifty-two thouſand perſons had ſigned an aſſociation, by which they bound themſelves to obey all the orders of this dangerous ruffian. Archbiſhop Hubert, who was then chief juſticiary, ſummoned him before the council to anſwer for his conduct; but he came ſo well attended, that no one durſt accuſe him, or give evidence againſt him; and the primate, finding the impotence of laws, contented himſelf with exacting from the citizens hoſtages for their good behaviour. He kept, however, a watchful eye on William; and ſeizing a favourable opportunity, attempted to commit him to cuſtody; but the criminal, murdering one of the public officers, eſcaped with his concubine to the church of St. Mary le Bow, where he defended himſelf by force of arms. He was at laſt forced from his retreat, condemned, and executed, amidſt the infinite regrets of the populace, who were ſo devoted to his memory, that they ſtole his gibbet, paid the ſame veneration to it as to the croſs, and were equally zealous in propagating and atteſting reports of the miracles which were wrought by it [d]. But though the ſectaries of this ſuperſtition were puniſhed by the juſticiary [e], it received ſo little encouragement from the eſtabliſhed clergy, whoſe property was endangered by ſuch ſeditious practices, that it ſuddenly ſunk and vaniſhed.

[d] Hoveden, p. 765. Diceto, p. 691. Neubrig. p. 492, 493.

[e] Gervaſe, p. 1591.

CHAP.

CHAP. XI.

JOHN.

Acceſſion of the King——His marriage——War with France——Murder of Arthur, duke of Brittany.——The King expelled from all the French provinces.——The King's quarrel with the court of Rome——Cardinal Langton appointed archbiſhop of Canterbury——Interdict of the kingdom——Excommunication of the King——The King's ſubmiſſion to the Pope——Diſcontents of the barons——Inſurrection of the barons——Magna Charta.——Renewal of the civil wars——Prince Lewis called over——Death——and character of the King.

CHAP. XI.

1199. Acceſſion of the King.

THE noble and free genius of the antients, which made the government of a ſingle perſon be always regarded as a ſpecies of tyranny and uſurpation, and kept them from forming any conception of a legal and regular monarchy, had rendered them entirely ignorant both of the rights of *primogeniture* and a *repreſentation* in ſucceſſion; inventions ſo neceſſary to preſerve order in the lines of princes, to obviate the evils of civil diſcord and of uſurpation, and to beget moderation in that ſpecies of government, by giving ſecurity to the ruling ſovereign. Theſe innovations aroſe from the feudal law; which, firſt introducing the right of primogeniture, made ſuch a diſtinction between the families of the elder and younger brothers, that the ſon of the former was thought intitled to ſucceed to his grandfather, preferably to his uncles, tho' nearer allied to the deceaſed

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1199.

monarch. But tho' this progreſs of ideas was natural, it was gradual. In the age of which we treat, the practice of repreſentation was indeed introduced, but not thoroughly eſtabliſhed; and the minds of men floated between oppoſite principles. Richard, when he entered on the holy war, declared his nephew, Arthur duke of Brittany, his ſucceſſor; and by a formal deed, he ſet aſide, in his favour, the title of his brother John, who was younger than Geoffrey, the father of that prince[e]. But John ſo little acquieſced in this deſtination, that when he gained the aſcendant in the Engliſh miniſtry, by expelling Longchamp, the chancellor and great juſticiary, he engaged all the Engliſh barons to ſwear, that they would maintain his right of ſucceſſion; and Richard, on his return, took no ſteps towards reſtoring or ſecuring the order which he had at firſt eſtabliſhed. He was even careful, by his laſt will, to declare his brother John heir to all his dominions[f]; whether, that he now thought Arthur, who was only twelve years of age, incapable of aſſerting his claim againſt John's faction, or was influenced by Eleanor, the Queen-mother, who hated Conſtantia, mother to the young duke, and who dreaded the influence which that princeſs would naturally acquire during the reign of her ſon. The authority of a teſtament was great in that age, even where the ſucceſſion of a kingdom was concerned; and John had reaſon to hope, that this title, joined to his plauſible right in other reſpects, would enſure him the ſucceſſion. But the idea of repreſentation ſeems to have made, at this time, greater progreſs in France than in England; and the barons of the tranſmarine provinces, Anjou, Maine, and Touraine, immediately declared in favour of Arthur's ſucceſſion[g],

[e] Hoveden, p. 677. M. Paris, p. 112. Chron. de Dunſt. p. 43. Rymer, vol. i. p. 66, 68. Bened. Abb. p. 619.

[f] Hoveden, p. 791. Trivet, p. 138.

[g] Hoveden, p. 792. M. Paris, p. 137. Matth. Weſt. p. 263. Knyghton, p. 2414.

and applied for the aſſiſtance of the French monarch as their ſuperior lord. Philip, who deſired only an occaſion to embaraſs John, and diſmember his dominions, embraced the cauſe of the young duke of Brittany, took him under his protection, and ſent him to Paris to be educated, along with his ſon Lewis[h]. In this emergence, John haſtened to eſtabliſh his authority in the chief members of the monarchy; and after ſending Eleanor into Poictou and Guienne, where her right was inconteſtible, and was readily acknowledged, he hurried to Roüen, and being there inveſted in the dutchy of Normandy, he paſſed over without loſs of time into England. Hubert, archbiſhop of Canterbury, William Mareſchal, earl of Strigul, who alſo paſſes by the name of earl of Pembroke, and Geoffrey Fitz-Peter, the juſticiary, the three moſt favoured miniſters of the late King, were already engaged on his ſide[i]; and the ſubmiſſion or acquieſcence of all the other barons put him, without oppoſition, in poſſeſſion of the throne.

CHAP. XI. 1199.

THE King ſoon returned to France, in order to conduct the war againſt Philip, and to recover the revolted provinces from his nephew, Arthur. The alliances which Richard had formed with the earl of Flanders[k], and other potent French barons, tho' they had not been very effectual, ſtill ſubſiſted, and enabled John to defend himſelf againſt all the efforts of his enemy. In an action between the French and Flemings, the elect biſhop of Cambray was taken priſoner by the former; and when the cardinal of Capua claimed his liberty, Philip, inſtead of complying, reproached him with the weak efforts which he had em-

[h] Ibid. [i] Hoveden, p. 793. M. Paris, p. 137. [k] Rymer, vol. i. p. 114. Hoveden, p. 794. M. Paris, p. 138.

CHAP. XI.

1199. ployed in favour of the biſhop of Beauvais, who was in a like condition. The legate, to ſhow his impartiality, laid at the ſame time the kingdom of France and the dutchy of Normandy under an interdict; and the two Kings found themſelves obliged to make an exchange of theſe military prelates.

1200. NOTHING enabled the King to bring this war to a happy iſſue ſo much as the ſelfiſh, intriguing character of Philip, who acted, in the provinces that had declared for Arthur, without any regard to the intereſts of that prince; and inſpired Conſtantia with a violent jealouſy, that he intended to uſurp the entire dominion of them [1]. She therefore found means to carry off her ſon ſecretly from Paris; ſhe put him into the hands of his uncle; reſtored the provinces which had adhered to him; and made him do homage for the dutchy of Brittany, which was uſually regarded as a rere-fief of Normandy. From this incident, Philip ſaw, that he could not hope to make any progreſs againſt John; and being threatened with an interdict on account of his irregular divorce from Ingelburga, the Daniſh princeſs, whom he had eſpouſed, he became very deſirous of concluding a peace with England. After ſome fruitleſs conferences, the terms were at laſt adjuſted; and the two monarchs ſeemed in this treaty to have an intention, beſides ending the preſent quarrel, of preventing all future cauſes of diſcord, and of obviating every controverſy which could hereafter ariſe between them. They adjuſted the limits of all their territories; mutually ſecured the intereſts of their vaſſals; and to render the union more durable, John gave his niece, Blanche of Caſtile, in marriage to prince Lewis, Philip's eldeſt ſon, and with her the

[1] Hoveden, p. 795.

baronies

baronies of Iſſoudun and Graçai, and other fiefs in Berri. Nine barons of the King of England, and as many of the King of France, were guarantees of this treaty; and all of them ſwore, that, if their ſovereign violated any article of it, they would declare themſelves againſt him, and embrace the cauſe of the injured monarch [m]. CHAP. XI. 1200.

JOHN, now ſecure, as he imagined, on the ſide of France, indulged his paſſion for Iſabella, the daughter and heir of Aymar Taillefer, count of Angouleme, a lady with whom he had become much enamoured. His Queen, the heireſs of the family of Gloceſter, was ſtill alive: Iſabella was married to the count de la Marche, and was already delivered into the hands of that nobleman; tho', by reaſon of her tender years, the marriage had not been conſummated. The paſſion of John made him overlook all theſe obſtacles: He perſuaded the count of Angouleme to carry off his daughter from her huſband; and having, on ſome pretence or other, procured a divorce from his own wife, he eſpouſed Iſabella [n], regardleſs both of the menaces of the Pope, who exclaimed againſt theſe irregular proceedings, and of the reſentment of the injured count, who ſoon found means to puniſh his powerful and inſolent rival. The King's marriage.

JOHN had not the art of attaching his barons either by affection or by fear. The count de la Marche, and his brother the count d'Eu, taking advantage of the general diſcontent againſt him, excited commotions in Poictou and Normandy; and oblig- 1201.

[m] Norman. Duchesnii, p. 1055. Rymer, vol. i. p. 117, 118, 119. Hoveden, p. 814. Chron. Dunſt. vol. i. p. 47.

[n] Hoveden, p. 803. M. Paris, p. 140. Trivet, p. 140. Ann. Waverl. p. 166. Ypod Neuſt. p. 458. Ann. Murgan, p. 12. M. Weſt. p. 263.

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CHAP. XI. 1201.

ed the King to have recourſe to arms, in order to ſuppreſs the inſurrection of his vaſſals. He ſummoned together the barons of England, and required them to paſs the ſeas under his ſtandard, and to quell the rebels: He found that he poſſeſſed as little authority in that kingdom as in his tranſmarine provinces. The Engliſh barons unanimouſly replied, that they would not attend him on this expedition, unleſs he would promiſe to reſtore and preſerve their privileges[o]: The firſt ſymptom of a regular aſſociation and plan of liberty among thoſe noblemen! But affairs were not yet fully ripe for the revolution projected. John, by menacing the barons, broke the concert; and both engaged many of them to follow him into Normandy, and obliged the reſt, who ſtaid behind, to pay him a ſcutage of two marks on each knight's fee, as the price of their exemption from the ſervice.

THE force which John carried abroad with him, and that which joined him in Normandy, rendered him much ſuperior to his malcontent barons; and ſo much the more, as Philip gave them not publicly any countenance, and ſeemed as yet determined to perſevere ſteadily in the union which he had formed with England. But the King, elated with his ſuperiority, advanced claims, which gave an univerſal alarm to his vaſſals, and diffuſed ſtill wider the general diſcontent. As the juriſprudence of thoſe times required, that the cauſes in the lord's court ſhould chiefly be decided by duel, he carried along with him certain bravos, whom he retained as champions, and whom he deſtined to fight with his barons, in order to determine any controverſy which he might raiſe againſt them[p]. The count de la

[o] Annal. Burton, p. 262.

[p] Annal. Burt. p. 262.

Marche,

Marche, and other noblemen, regarded this proceeding as an affront, as well as an injury; and declared, that they would never draw their ſwords againſt men of ſuch inferior quality. The King menaced them with vengeance; but he had not vigour to employ againſt them the force in his hands, or to proſecute the injuſtice, by cruſhing intirely the nobles who oppoſed it. CHAP. XI. 1201.

THIS government, equally feeble and violent, gave courage as well as inclination to the injured barons to carry farther their oppoſition: They appealed to the King of France; complained of the denial of juſtice in John's courts; demanded redreſs from him as their ſuperior lord; and entreated him to employ his authority, and prevent their final ruin and oppreſſion. Philip perceived his advantage, opened his mind to great projects, interpoſed in behalf of the French barons, and began to talk in a high and menacing ſtyle to the King of England. John, who could not diſavow Philip's authority, replied, that it belonged to him firſt to grant them a trial by their peers in his own court; it was not till he failed in this duty, that he was anſwerable to his peers in the ſupreme court of the French King[q]; and he promiſed, by a fair and equitable judicature, to give ſatisfaction to his barons. When the nobles, in conſequence of this engagement, demanded a ſafe conduct, that they might attend his court, he firſt refuſed it: Upon the renewal of Philip's menaces, he promiſed to grant their demand; he violated this promiſe; freſh menaces extorted from him a promiſe to ſurrender to Philip the fortreſſes of Tillieres and Boutavant, as a ſecurity for performance; he violated again this engagement; his enemies, ſenſible both of his weakneſs and want of faith, combined ſtill cloſer War with France. 1202.

[q] Philipp. lib. 6.

in

CHAP. XI.

1202. in the reſolution of puſhing him to extremities; and a new and powerful ally ſoon appeared to encourage them in their invaſion of this odious and deſpicable government.

1203. THE young duke of Brittany, who was now riſing to man's eſtate, ſenſible of the dangerous character of his uncle, determined to ſeek both his ſecurity and advancement by an union with Philip and the malcontent barons. He joined the French army, which had begun hoſtilities againſt the King of England: He was received with great marks of diſtinction by Philip; was knighted by him; eſpouſed his daughter Mary; and was inveſted not only in the dutchy of Brittany, but in the counties of Anjou and Maine, which he had formerly reſigned to his uncle[r]. Every attempt ſucceeded with the allies. Tillieres and Boutavant were taken by Philip, after making a feeble defence: Mortimar and Lyons fell into his hands almoſt without reſiſtance. That prince next inveſted Gournai; and opening the ſluices of a lake, which lay in the neighbourhood, poured ſuch a torrent of water into the place, that the garriſon deſerted it, and the French monarch, without ſtriking a blow, made himſelf maſter of that important fortreſs. The progreſs of the French arms was rapid, and promiſed more conſiderable ſucceſs than uſually in that age attended military enterprizes. In anſwer to every advance which the King of England made towards peace, Philip ſtill inſiſted, that he ſhould reſign all his tranſmarine dominions to his nephew, and reſt contented with the kingdom of England; when an event happened, which ſeemed to turn the ſcales in favour of John, and to give him a deciſive ſuperiority over his enemies.

[r] Trivet, p. 142.

YOUNG

CHAP. XI.

1203.

YOUNG Arthur, fond of military renown, had broke into Poictou at the head of a ſmall army; and paſſing near Mirabel, he heard, that his grandmother, Queen Eleanor, who had always oppoſed his intereſts, was lodged in that place, and was protected by a weak garriſon, and ruinous fortifications [t]. He immediately determined to lay ſiege to the fortreſs, and make himſelf maſter of her perſon: But John, rouzed from his indolence by ſo preſſing an occaſion, collected an army of Engliſh and Brabançons, and advanced from Normandy with haſty marches to the relief of the Queen-mother. He fell on Arthur's camp before that prince was aware of the danger; diſperſed his army; took him priſoner, together with the count de la Marche, Geoffrey de Luſignan, and the moſt conſiderable of the revolted barons; and returned in triumph to Normandy [u]. Philip, who was lying before Arques in that dutchy, raiſed the ſiege, and retired upon his approach [w]. The greater part of the priſoners were ſent over to England; but Arthur was ſhut up in the caſtle of Falaiſe. 1ſt Auguſt.

THE King had here a conference with his nephew; repreſented to him the folly of his pretenſions; and required him to renounce the French alliance, which had encouraged him to enter into enmity againſt all his family: But the brave youth, rendered more haughty from misfortunes, maintained the juſtice of his cauſe; aſſerted his claim, not only to the French provinces, but to the crown of England; and in his turn, required the King to reſtore the ſon of his elder brother to the poſſeſſion of his inheritance [x]. John, ſenſible, from theſe ſymptoms of ſpirit, that the young prince, tho' now a priſoner, might ſome time prove

[t] Ann. Waverl. p. 167. M. Weſt. p. 264. [u] Ann. Marg. p. 213. M. Weſt. p. 264. [w] M. Weſt. p. 264. [x] Ibid.

CHAP. XI.

1203. Murder of Arthur, duke of Brittany.

a moſt dangerous enemy, determined to prevent all future peril by diſpatching his nephew; and Arthur was never more heard of. The circumſtances which attended this deed of darkneſs, were, no doubt, carefully concealed by the actors, and are variouſly related by hiſtorians: But the moſt probable account is as follows. The King, it is ſaid, firſt propoſed to William de la Braye, one of his ſervants, to diſpatch Arthur; but William replied, that he was a gentleman, not a hangman; and he poſitively refuſed compliance. Another inſtrument of murder was found, and was diſpatched with proper orders to Falaiſe; but Hubert de Bourg, chamberlain to the King, and conſtable of the caſtle, feigning, that he himſelf would execute the King's mandate, ſent back the aſſaſſin, ſpread the report that the young prince was dead, and publicly performed all the ceremonies of his interment: But finding, that the Bretons vowed vengeance for the murder, and that all the revolted barons perſevered more obſtinately in their rebellion, he thought it prudent to reveal the ſecret, and to inform the world that the duke of Brittany was ſtill alive, and in his cuſtody. This diſcovery proved fatal to the young prince: John firſt removed him to the caſtle of Roüen; and coming in a boat, during the night-time, to that place, commanded Arthur to be brought forth to him. The young prince, aware of his danger, and now more ſubdued by the continuance of his misfortunes, and by the approach of death, threw himſelf on his knees before his uncle, and begged for mercy: But the barbarous tyrant, making no reply, ſtabbed him with his own hands; and faſtening a ſtone to the dead body, threw it into the Seine.

THE whole world was ſtruck with horror at this inhuman deed; and from that moment, the King, deteſted by his ſubjects,

CHAP. XI.

1203.

jects, retained a very precarious authority over both the people and the barons in his dominions. The Bretons, enraged at this disappointment in their fond hopes, waged implacable war against him; and fixing the succession of their government, put themselves in a posture to revenge the murder of their sovereign. John had got into his power his niece, Eleanor, sister to Arthur, commonly called *the damsel of Brittany*; and carrying her over to England, detained her ever after in captivity[y]: But the Bretons, in despair of recovering this princess, chose Alice for their sovereign; a younger daughter of Constantia, by her second marriage with Gui de Thouars; and they entrusted the government of the dutchy to that nobleman. Constantia, mean while, the mother of the murdered prince, seconded by all the states of Brittany, carried their complaints before Philip as their liege lord, and demanded justice for the violence committed by John on the person of Arthur, so near a relation, who, notwithstanding the homage which he did to Normandy, was always regarded as one of the chief vassals of the crown. Philip received their application with pleasure; summoned John to stand a trial before him; and on his non-appearance, passed sentence, with the concurrence of the peers, upon that prince; declared him guilty of felony and parricide; and adjudged him to forfeit to his superior lord all his seignories and fiefs in France[z].

The King expelled from all the French provinces.

THE King of France, whose ambitious and active spirit had been hitherto confined, either by the sound policy of Henry, or the martial genius of Richard, seeing now the opportunity favourable against this base and odious prince, embraced the project of expelling the English, or rather the English King, from

[y] Trivet, p. 145. T. Wykes, p. 36. Ypod Neust. p. 459. M. West. p. 264. Knyghton, p. 2420.

[z] W. Heming. p. 455.

CHAP. XI. 1203.

France, and of annexing to the crown ſo many conſiderable fiefs, which, during ſeveral ages, had been diſmembered from it. Many of the other great vaſſals, whoſe jealouſy might have interpoſed, and have obſtructed the execution of this project, were not at preſent in a ſituation to oppoſe it; and the reſt either looked on with indifference, or gave their aſſiſtance to this dangerous aggrandizement of their ſuperior lord. The earls of Flanders and Blois were engaged in the holy war: The count of Champagne was an infant, and under the guardianſhip of Philip: The dutchy of Brittany, enraged at the murder of their prince, vigorouſly promoted all his meaſures: And the general defection of John's vaſſals made every enterprize eaſy and ſucceſsful againſt him. Philip, after taking ſeveral caſtles and fortreſſes beyond the Loire, which he either garriſoned or diſmantled, received the ſubmiſſions of the count of Alençon, who deſerted John, and delivered up all the places under his command to the French King: Upon which, Philip ſeparated his army, in order to give them ſome repoſe after the fatigues of the campaign. John, ſuddenly collecting ſome troops, laid ſiege to Alençon; and Philip, whoſe diſperſed army could not be brought together in time to ſuccour it, ſaw himſelf expoſed to the diſgrace of ſuffering the oppreſſion of his friend and confederate. But his active and fertile genius found an expedient againſt this evil. There was held at that very time a tournament at Moret in the Gatinois; whither all the chief nobility of France and the neighbouring countries had reſorted, in order to ſignalize their courage and addreſs. Philip preſented himſelf before them; craved their aſſiſtance in his diſtreſs; and pointed out the plains of Alençon as the moſt honourable field, in which they could diſplay their generoſity and martial ſpirit. Thoſe valo-

rous

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1203.

rous knights vowed, that they would take vengeance on the baſe parricide, the ſtain of arms and of chivalry; and putting themſelves, with all their retinue, under the command of Philip, inſtantly marched to raiſe the ſiege of Alençon. John, hearing of their approach, fled from before the place; and in the hurry abandoned all his tents, machines, and baggage, to the enemy.

This feeble effort was the laſt exploit of that ſlothful and cowardly prince for the defence of his dominions. He thenceforth remained in total inactivity at Roüen; and paſſed all his time, with his young wife, in paſtimes and amuſements, as if his ſtate had been in the moſt profound tranquillity, or his affairs in the moſt proſperous condition. If he ever mentioned war, it was only to give himſelf vaunting airs, which, in the eyes of all men, rendered him ſtill more deſpicable and ridiculous. *Let the French go on*, ſaid he, *I will retake in a day what has coſt them years to acquire*[a]. His ſtupidity and indolence appeared ſo extraordinary, that the people endeavoured to account for the infatuation by ſorcery, and believed, that he was thrown into this lethargy by ſome magic or witchcraft. The Engliſh barons, finding that their time was waſted to no purpoſe, and that they muſt ſuffer the diſgrace of ſeeing, without reſiſtance, the progreſs of the French arms, withdrew from their colours, and ſecretly returned to their own country[b]. No one thought of defending a man, who ſeemed to have deſerted himſelf; and his ſubjects looked on his fate with the ſame indifference, to which, in this preſſing exigency, they ſaw him totally abandoned.

[a] M. Paris, p. 146. M. Weſt. p. 266. [b] M. Paris, p. 146. M. Weſt. p. 264.

JOHN,

CHAP. XI.

1203. JOHN, while he neglected all domeſtic reſources for his ſafety, had the meanneſs to betake himſelf to a foreign power, whoſe protection he claimed: He applied to the Pope, Innocent III. and entreated him to interpoſe with his authority between him and the French monarch. Innocent, pleaſed with any occaſion of exerting his ſuperiority, ſent Philip orders to ſtop the progreſs of his arms, and to make peace with the King of England. But the French barons received this meſſage with indignation; diſclaimed the temporal authority challenged by the pontiff; and vowed, that they would, to the uttermoſt, aſſiſt their prince againſt all his enemies: And Philip, ſeconding their ardour, proceeded, inſtead of obeying the Pope's envoys, to lay ſiege to Chateau Gaillard, the moſt conſiderable fortreſs which remained to guard the frontiers of Normandy.

1204. CHATEAU GAILLARD was ſituated partly on an iſland in the river Seine, partly on a rock oppoſite to it; and was ſecured by every advantage, which either art or nature could beſtow upon it. The late King, having caſt his eye on this favourable ſituation, had ſpared no labour nor expence in fortifying it; and it was defended by Roger de Laci, conſtable of Cheſter, a determined officer, at the head of a numerous garriſon. Philip, who deſpaired of taking the place by force, propoſed to ſubdue it by famine; and that he might cut off its communication with the neighbouring country, he threw a bridge acroſs the Seine, while he himſelf with his army blockaded it by land. The earl of Pembroke, the man of greateſt vigour and capacity in the Engliſh court, formed a plan for breaking thro' the French entrenchments, and throwing relief into the place. He carried with him an army of 4000 infantry and 3000 cavalry, and ſuddenly attacked, with great ſucceſs, Philip's camp in the night time;

CHAP. XI.

1205.

having left orders, that a fleet of ſeventy flat-bottomed veſſels ſhould ſail up the Seine, and fall at the ſame inſtant on the bridge. But the wind and the current of the river, by retarding the veſſels, diſconcerted this plan of operations; and it was morning before the fleet appeared; when Pembroke, tho' ſucceſsful in the beginning of the action, was already repulſed with conſiderable loſs, and the French King had leiſure to defend himſelf againſt theſe new aſſailants, who were repulſed in their turn. After this misfortune, John made no farther efforts for the relief of Chateau Gaillard; and Philip had all the leiſure requiſite for conducting and finiſhing the ſiege. Roger de Laci defended himſelf for a twelvemonth with great obſtinacy; and having bravely repulſed every attack, and patiently born all the hardſhips of famine, he was at laſt overpowered by a ſudden aſſault in the night-time, and made priſoner of war, with his garriſon[c]. Philip, who knew how to reſpect valour even in an enemy, treated him with the utmoſt civility; and gave him the whole city of Paris for the place of his confinement.

WHEN this bulwark of Normandy was once ſubdued, all the province lay open to the inroads of Philip; and the King of England deſpaired of being any longer able to defend it. He ſecretly prepared veſſels for a ſcandalous flight; and that the Normans might no longer doubt of his reſolution to abandon them, he ordered the fortifications of Pont de l'Arche, Moulineaux, and Montfort l'Amauri to be demoliſhed. Not daring to repoſe confidence in any of his barons, whom he believed to be univerſally engaged in a conſpiracy againſt him, he entruſted the government of the province to Archas Martin and Lupi-

[c] Trivet, p. 144. Gul. Britto, lib. 7. Ann. Waverl. p. 168.

caire,

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1205.

caire, two mercenary Brabançons, whom he had retained in his ſervice. Philip, now ſecure of his prey, puſhed his conqueſts with vigour and ſucceſs againſt the diſmayed Normans. Falaiſe was firſt beſieged; and Lupicaire, who commanded in this impregnable fortreſs, after ſurrendering the place, inliſted himſelf with his troops in the ſervice of Philip, and carried on hoſtilities againſt his antient maſter. Caen, Cautance, Seez, Evreux, Baïeux ſoon fell into the hands of the French monarch, and all the lower Normandy was reduced under his dominion. To forward his enterprizes on the other diviſion of the province, Gui de Thouars, at the head of the Bretons, broke into the territory, and took Mount St. Michael, Avranches, and all the other fortreſſes in that neighbourhood. The Normans, who abhorred the French yoke, and who would have defended themſelves to the laſt extremity, if their prince had appeared to conduct them, found no reſource but in ſubmiſſion; and every city opened its gates, as ſoon as Philip appeared before it. Roüen alone, Arques and Verneüil determined to maintain their liberties; and formed a confederacy for mutual defence. Philip began with the attack of Roüen; and the inhabitants were ſo inflamed with hatred to France, that, on the appearance of his army, they fell on all the natives of that country, whom they found within their walls, and put them to death. But after the French King had begun his operations with ſucceſs, and had taken ſome of their outworks, the citizens, ſeeing no reſource, offered to capitulate; and demanded only thirty days to adver-

1ſt June.

tiſe their prince of their danger, and to require ſuccours againſt the enemy. Upon the expiration of the term, as no ſupply had arrived, they opened their gates to Philip[d]; and the whole pro-

[d] Trivet, p. 147. Ypod. Neuſt. p. 459.

vince

vince ſoon after imitated their example, and ſubmitted to the victor. Thus was this important territory re-united to the crown of France, near three centuries after the ceſſion of it by Charles the Simple to Rollo, the firſt duke: And the Normans, ſenſible that this conqueſt was probably final, demanded the privilege of being governed by French laws; which Philip, making a few alterations on the antient Norman cuſtoms, readily granted them. But the French monarch had too much ambition and genius to ſtop in his preſent career of ſucceſs. He carried his victorious army into the weſtern provinces; ſoon reduced Anjou, Maine, Touraine, and part of Poictou under his dominion [e]; and in this manner, the French crown, during the reign of one able and active prince, received ſuch an acceſſion of power and grandeur, as, in the ordinary courſe of things, would have required it ſeveral ages to attain.

CHAP. XI. 1205.

JOHN, on his arrival in England, that he might cover the diſgrace of his own conduct, exclaimed loudly againſt his barons, who, he pretended, had deſerted his ſtandard in Normandy; and he arbitrarily extorted from them a ſeventh part of all their moveables, as a puniſhment for this offence [f]. Soon after he forced them to grant him a ſcutage of two marks and a half on each knight's fee for an expedition into Normandy; but he did not attempt to execute the ſervice, for which he pretended to exact it. Next year, he ſummoned all the barons of his realm to attend him on this foreign expedition, and collected the ſhips from all the ſea-ports; but meeting with oppoſition from ſome of his miniſters, and repenting him of his deſign, he diſmiſſed both fleet and army, and then renewed his exclamations againſt

[e] Trivet, p. 149.

[f] M. Paris, p. 146. M. Weſt. p. 265.

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1205. the barons for deſerting him. He next put to ſea with a ſmall army, and his ſubjects believed, that he was reſolved to expoſe himſelf to the utmoſt hazards for the defence and recovery of his dominions: But they were ſurprized, after a few days, to ſee him return again into harbour, without attempting any thing.

1206. In the ſubſequent ſeaſon, he had the courage to carry his hoſtile meaſures a ſtep farther. Gui de Thouars, who governed Brittany, being jealous of the rapid progreſs, made by his ally, the French King, promiſed to join the King of England with all his forces; and John ventured abroad with a conſiderable army, and landed at Rochelle. He marched to Angers; which he took and reduced to aſhes. But the approach of Philip with an army threw him into terrors; and he immediately made propoſals of peace, and fixed a place of interview with his enemy: But inſtead of keeping this engagement, he ſtole off with his army, embarked at Rochelle, and returned, loaded with new ſhame and diſgrace, into England. The mediation of the Pope procured him at laſt a truce for two years with the French monarch[z]; almoſt all the tranſmarine provinces were raviſhed from him; and his Engliſh barons, tho' haraſſed with arbitrary taxes and fruitleſs expeditions, ſaw themſelves and their country baffled and affronted in every enterprize.

In an age, when perſonal valour was regarded as the chief accompliſhment, ſuch conduct as that of John, diſgraceful at any time, muſt be expoſed to peculiar contempt; and he could thenceforth expect to rule his turbulent vaſſals with a very doubtful authority. But the government, exerciſed by the Norman princes, had wound up the royal power to ſo high a

[z] Rymer, vol. i. p. 141.

pitch,

pitch, and ſo much beyond the uſual tenor of the feudal conſtitutions, that it behoved him to be debaſed by new affronts and diſgraces, ere his barons could entertain the view of conſpiring againſt him, in order to retrench his exorbitant prerogatives. The church, which, at that time, declined not a conteſt with the moſt powerful and vigorous monarchs, took firſt advantage of John's imbecillity; and with the moſt aggravating circumſtances of inſolence and ſcorn, fixed her yoke upon him.

CHAP. XI.

1206.

THE papal chair was then filled by Innocent III. who, having attained that dignity at the age of thirty-ſeven years, and being endowed with a lofty and enterprizing genius, gave full ſcope to his ambition, and attempted, perhaps more openly than any of his predeceſſors, to convert that ſuperiority, which was yielded him by all the European princes, into a real dominion over them. The hierarchy, protected by the Roman pontiff, had already carried to an enormous height its uſurpations upon the civil power; but in order to extend them farther, and render them uſeful to the court of Rome, it was neceſſary to reduce the eccleſiaſtics themſelves under an abſolute monarchy, and to make them entirely dependant on their ſpiritual leader. For this purpoſe, Innocent firſt attempted to impoſe taxes at pleaſure upon the clergy; and in the firſt year of this century, taking advantage of the popular frenzy for cruſades, he ſent collectors over all Europe, who levied by his authority the fortieth of all eccleſiaſtical revenues, for the relief of the holy land, and received the voluntary contributions of the laity to a like amount[h]. The ſame year Hubert, archbiſhop of Canterbury, attempted another innovation, favourable to eccleſiaſtical and papal power: In the

1207.

The King's quarrel with the court of France.

[h] Rymer, vol. i. p. 119.

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1207.

King's abſence, he ſummoned, by his legatine authority, a ſynod of all the Engliſh clergy, contrary to the prohibition of Geoffrey Fitz-Peter, the chief juſticiary; and no proper cenſure was ever paſſed on this encroachment, the firſt of the kind, upon the royal power. But a favourable incident ſoon after happened, which enabled ſo aſpiring a pontiff as Innocent, to extend ſtill farther his uſurpations on ſo contemptible a prince as John.

HUBERT, the primate, died in 1205; and as the monks or canons of Chriſt-church, Canterbury, poſſeſſed a right of voting in the election of their archbiſhop, ſome of the juniors of the order, who lay in wait for that event, met clandeſtinely the very night of Hubert's death; and without any congé d'elire from the King, choſe Reginald, their ſub-prior, for the ſucceſſor; inſtalled him in the archi-epiſcopal throne before midnight; and having enjoined him the ſtricteſt ſecrecy, ſent him immediately to Rome, in order to ſolicit the confirmation of his election [i]. The vanity of Reginald prevailed over his policy; and he no ſooner arrived in Flanders, than he revealed to every one the purpoſe of his journey, which was immediately known in England [k]. The king was enraged at the novelty and temerity of the attempt, in filling ſo important an office without his knowledge or conſent: The ſuffragan biſhops of Canterbury, who were accuſtomed to concur in the choice of their primate, were no leſs diſpleaſed at the excluſion given them in this election: The elder monks of Chriſt-church were injured by the irregular proceedings of their juniors: The juniors themſelves, aſhamed of their conduct, and diſguſted with the levity of Reginald, who had broke his engagement with them, were

[i] M. Paris, p. 148. M. Weſt. p. 266. [k] Ibid.

willing

willing to ſet aſide his election[l]: And all men concurred in the deſign of remedying the falſe meaſures, which had been taken. But as John knew, that this affair would be canvaſſed before a ſuperior tribunal, where the interpoſition of royal authority, in beſtowing eccleſiaſtical benefices, was very invidious; where even the cauſe of ſuffragan biſhops was not ſo favourable as that of monks; he determined to make the new election entirely unexceptionable: He ſubmitted the affair wholly to the canons of Chriſt-church; and departing from the right, claimed by his predeceſſors, ventured no farther than to inform them privately, that they would do him an acceptable piece of ſervice, if they choſe John de Gray, biſhop of Norwich, for their primate[m]. The election of that prelate was accordingly made without a contradictory vote; and the King, to obviate all conteſts, endeavoured to perſuade the ſuffragan biſhops not to inſiſt on their right of concurring in the election: But thoſe prelates, perſevering in their pretenſions, ſent an agent to maintain their cauſe before Innocent; while the King, and the convent of Chriſt-church, diſpatched twelve monks of that order to ſupport, before the ſame tribunal, the election of the biſhop of Norwich.

CHAP. XI.

1207.

THUS, there lay three different claims before the Pope, whom all parties allowed to be the ſupreme arbiter of the conteſt. The claim of the ſuffragans, being ſo oppoſite to the uſual maxims of the papal court, was ſoon ſet aſide: The election of Reginald was ſo obviouſly fraudulent and irregular, that there was no poſſibility of defending it: But Innocent maintained, that, though this election was null and invalid, it ought previouſly to have been declared ſuch by the ſovereign pontiff, before the monks

[l] M. Weſt. p. 266.

[m] M. Paris, p. 149. M. Weſt. p. 266.

could

CHAP. XI.

1207.

could proceed to a new election; and that the choice of the biſhop of Norwich was of courſe as uncanonical as that of his competitor[n]. Advantage was, therefore, taken of this ſubtlety for introducing a precedent, by which the ſee of Canterbury, the moſt important dignity in the church after the papal throne, ſhould be ever after at the diſpoſal of the court of Rome.

WHILE the Pope maintained ſo many fierce conteſts, in order to wreſt from princes the right of granting inveſtitures, and to exclude laymen from all authority of conferring eccleſiaſtical benefices, he was ſupported by the united influence of the clergy, who, aſpiring to independance, fought, with all the ardour of ambition, and all the zeal of ſuperſtition, under his ſacred banners. But no ſooner was this point, after a great effuſion of blood, and the convulſions of many ſtates, eſtabliſhed in ſome tolerable degree, than the victorious leader, as is uſual, turned his arms againſt his own community, and aſpired to center all power in his perſon. By the invention of reſerves, proviſions, commendams, and other devices, the Pope gradually aſſumed the right of filling vacant benefices; and the plenitude of his apoſtolic power, which was not ſubject to any limitations, ſupplied all defects of title in the perſon on whom he beſtowed preferment. The canons which regulated elections were purpoſely rendered intricate and involved: Frequent diſputes aroſe among candidates: Appeals were every day carried to Rome: The apoſtolic ſee, beſides reaping pecuniary advantages from theſe conteſts, often exerciſed the power of ſetting aſide both the litigants, and on pretence of appeaſing faction, nominated a third perſon, who might be more acceptable to the contending parties.

[n] M. Paris, p. 155. Chron. de Mailr. p. 182.

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1207.

THE preſent controverſy about the election to the ſee of Canterbury afforded Innocent an opportunity of claiming this right; and he failed not to perceive and avail himſelf of this advantage. He ſent for the twelve monks deputed by the convent to maintain the cauſe of the biſhop of Norwich; and commanded them, under the penalty of excommunication, to chuſe for their primate, cardinal Langton, an Engliſhman by birth, but educated in France, and connected, by his intereſts and attachments, with the ſee of Rome [a]. In vain did the monks repreſent, that they had received from their convent no authority for this purpoſe; that an election, without a previous writ from the King, would be deemed highly irregular; and that they were merely agents for another perſon, whoſe right they had no power nor pretence to abandon. None of them had the courage to perſevere in this oppoſition, except one, Elias de Brantefield: All the reſt, overcome by the menaces and authority of the Pope, complied with his orders, and made the election required of them.

Cardinal Langton appointed archbiſhop of Canterbury.

INNOCENT, ſenſible that this flagrant uſurpation would be highly reſented by the court of England, wrote John a mollifying letter; ſent him four golden rings ſet with precious ſtones; and endeavoured to enhance the value of the preſent, by informing him of the many myſteries which were implied in it. He begged him to conſider ſeriouſly the *form* of the rings, their *number*, their *matter*, and their *colour*. Their form, he ſaid, being round, ſhadowed out Eternity, which had neither beginning nor end; and he ought thence to learn his duty of aſpiring from earthly objects to heavenly, from things temporal to things eternal. The number four, being a ſquare, denoted

[a] M. Paris, p. 155. Ann. Waverl. p. 169. W. Heming. p. 553. Knyghton, p. 2415.

ſteadineſs

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ſteadineſs of mind, not to be ſubverted either by adverſity or proſperity, fixed for ever on the firm baſis of the four cardinal virtues. Gold, which is the matter, being the moſt precious of metals, ſignified Wiſdom, which is the moſt precious of all accompliſhments, and juſtly preferred by Solomon to riches, power, and all exterior attainments. The blue colour of the ſaphire repreſented Faith; the verdure of the emerald, Hope; the redneſs of the ruby, Charity; and the ſplendor of the topaz, Good Works[p]. By theſe conceits, Innocent endeavoured to repay John for one of the moſt important prerogatives of his crown, which he had raviſhed from him; conceits probably admired by Innocent himſelf. For it is eaſily poſſible for a man, eſpecially in a barbarous age, to unite ſtrong talents for buſineſs with an abſurd taſte in literature and in the arts.

JOHN was inflamed with the utmoſt rage, when he heard of this attempt of the court of Rome[q]; and he immediately vented his paſſion on the monks of Chriſt-church, whom he found inclined to ſupport the election made by their fellows at Rome. He ſent Fulk de Cantelupe, and Henry de Cornhulle, two knights of his train, men of violent tempers and rude manners, to expel them the convent, and take poſſeſſion of their revenues. Theſe knights entered the monaſtery with drawn ſwords, commanded the prior and the monks to depart the kingdom, and menaced them, that, in caſe of diſobedience, they would inſtantly burn them with the convent[r]. Innocent, prognoſticating, from the violence and imprudence of theſe meaſures, that John would finally ſink in the conteſt, perſevered the more vigorouſly in his pretenſions, and exhorted the King not to oppoſe God and the

[p] Rymer, vol. i. p. 139. M. Paris, p. 155.
[q] Rymer, vol. i. p. 143.
[r] M. Paris, p. 156. Trivet, p. 151. Ann. Waverl. p. 169.

church

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church any longer, nor to perſecute that cauſe for which the holy martyr, St. Thomas, had ſacrificed his life, and which had exalted him equal to the higheſt ſaints in heaven[s]: A ſufficient hint to John to profit by the example of his father, and to remember the prejudices and eſtabliſhed principles of his ſubjects, who bore a profound veneration to that martyr, and regarded his merits as the ſubject of their chief glory and exultation.

THE pontiff, finding that John was not yet ſufficiently tamed to ſubmiſſion, ſent three prelates, the biſhops of London, Ely, and Worceſter, to intimate to him, that, if he perſevered in his diſobedience, Innocent would be obliged to put the kingdom under an interdict[t]. All the other prelates threw themſelves on their knees before him, and entreated him, with tears in their eyes, to prevent the ſcandal of this ſentence, by making a ſpeedy ſubmiſſion to his ſpiritual Father, by receiving from his hands the new elected primate, and by reſtoring the monks of Chriſt-church to all their rights and poſſeſſions. He burſt out into the moſt indecent invectives againſt the prelates; ſwore by God's teeth, his uſual oath, that if the Pope preſumed to put his kingdom under an interdict, he would ſend to him all the biſhops and clergy of England, and would confiſcate all their eſtates; and threatened, that, if thenceforth he caught any Romans in his dominions, he would put out their eyes, and cut off their noſes, in order to ſet a mark upon them, which might diſtinguiſh them from all other nations[u]. Amidſt all this idle violence, John ſtood on ſuch bad terms with his nobility, that he never dared to aſſemble the ſtates of the kingdom, who, in ſo juſt a cauſe, would probably have adhered to any other monarch, and have defended with vigour the liberties of the nation againſt

[s] M. Paris, p. 157. [t] Ibid. [u] Ibid.

 theſe

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1207. Interdict of the kingdom.

theſe palpable uſurpations of the court of Rome. Innocent, therefore, perceiving the King's weakneſs, fulminated at laſt the ſentence of interdict, which he had for ſome time held ſuſpended over him [x].

THE ſentence of interdict was at that time the great inſtrument of vengeance and policy employed by the court of Rome; was pronounced againſt ſovereigns for the lighteſt offences; and made the guilt of one perſon involve the ruin of millions, even in their ſpiritual and eternal welfare. The execution of it was artificially calculated to ſtrike the ſenſes in the higheſt degree, and to operate with irreſiſtible force on the ſuperſtitious minds of the people. The nation was of a ſudden deprived of all exterior exerciſe of its religion: The altars were deſpoiled of their ornaments: The croſſes, the reliques, the images, the ſtatues of the ſaints were laid on the ground; and as if the air itſelf were profaned, and might pollute them by its contact, the prieſts carefully covered them up, even from their own approach and veneration. The uſe of bells entirely ceaſed in all the churches: The bells themſelves were removed from the ſteeples, and laid on the ground with the other ſacred utenſils. Maſs was celebrated with ſhut doors; and none but the prieſts were admitted to that holy inſtitution. The laity partook of no religious rite, except baptiſm to new-born infants, and the communion to the dying: The dead were not interred in conſecrated ground: They were thrown into ditches, or buried in common fields; and their obſequies were not attended with prayers or any hallowed ceremony. Marriage was celebrated in the church-yards [y]; and that every action in life might bear the marks of this dread-

[x] M. Paris, p. 157. Trivet, p. 152. Ann. Waverl. p. 170. M. Weſt. p. 268.
[y] Chron. Dunſt. vol. i. p. 51.

ful

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ful ſituation, the people were prohibited the uſe of meat, as in Lent, or times of the higheſt penance; were debarred from all pleaſures and entertainments; and were forbid even to ſalute each other, or ſo much as to ſhave their beards, and give any decent attention to their perſon and apparel. Every circumſtance carried the ſymptoms of the deepeſt diſtreſs, and of the moſt immediate apprehenſion of divine vengeance and indignation.

THE King, that he might oppoſe *his* temporal to *their* ſpiritual terrors, immediately, from his own authority, confiſcated the eſtates of all the clergy who obeyed the interdict[z]; baniſhed the prelates, confined the monks to their convent, and gave them only ſuch a ſmall allowance from their own eſtates, as would ſuffice to provide them in food and rayment. He treated with the utmoſt rigour all Langton's adherents, and every one that ſhowed any diſpoſition to obey the commands of Rome: And in order to diſtreſs the clergy in the tendereſt point, and at the ſame time expoſe them to reproach and ridicule, he threw into priſon all their concubines, and required high fines and confiſcations as the price of their liberty[a].

AFTER the canons, which eſtabliſhed the celibacy of the clergy, were, by the zealous endeavours of archbiſhop Anſelm, more rigorouſly executed in England, the eccleſiaſtics gave, almoſt univerſally and avowedly, into the uſe of concubinage; and the court of Rome, which had no intereſt in prohibiting this practice, made a very ſlight oppoſition to it. The cuſtom was become ſo prevalent, that in ſome cantons of Swiſſerland, before the reformation, the laws not only permitted, but, to avoid ſcandal,

[z] Ann. Waverl. p. 170.

[a] M. Paris, p. 158. Ann. Waverl. p. 170.

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enjoined the uſe of concubines to the younger clergy [b]; and it was uſual every where for prieſts to apply to the ordinary, and obtain from him a formal liberty for this indulgence. The biſhop commonly took care to prevent this practice from degenerating into licentiouſneſs: He confined the prieſt to the uſe of one woman, required him to be conſtant to her bed, obliged him to provide for her ſubſiſtance and that of her children; and, tho' the offspring was, in the eye of the law, deemed illegitimate, this commerce was really a kind of inferior marriage, ſuch as is ſtill practiſed in Germany among the nobles; and may be regarded by the candid as an appeal, from the tyranny of civil and eccleſiaſtical inſtitutions, to the more virtuous and more unerring laws of nature.

THE quarrel between the King and the ſee of Rome continued for ſome years; and tho' many of the clergy, from the fear of puniſhment, obeyed the orders of John, and celebrated divine ſervice, they complied with the utmoſt reluctance, and were regarded, both by themſelves and the people, as men who betrayed their principles, and ſacrificed their conſcience to temporal regards and intereſts. During this violent ſituation, the King, in order to give a luſtre to his government, attempted military expeditions, againſt Scotland, againſt Ireland, againſt the Welſh [c]; and he commonly prevailed, more from the weakneſs of his enemies than from his own vigour or abilities. Meanwhile, the danger to which his government ſtood continually expoſed from the diſcontents of the eccleſiaſtics, increaſed his natural propenſion to tyranny; and he ſeems even wantonly to have diſguſted all orders of men, eſpecially his nobles, from whom alone he

[b] Padre Paolo, Hiſt. Conc. Trid. lib. 1.

[c] W. Heming. p. 556. Ypod Neuſt. p. 460. Knyghton, p. 2420.

could reaſonably expect ſupport and aſſiſtance. He diſhonoured their families by his licentious amours; he publiſhed edicts, prohibiting them from hunting feathered game, and thereby reſtrained them from their favourite occupation and amuſement[d]; he ordered all the hedges and fences near his foreſts to be levelled, that his deer might have more ready acceſs into the fields for paſture; and he continually loaded the nation with arbitrary taxes and impoſitions. Conſcious of the general hatred which he had incurred, he required his nobility to give him hoſtages for ſecurity of their allegiance; and they were obliged to put into his hands their ſons, or nephews, or near relations. When his meſſengers came with like orders to the caſtle of William de Braouſe, a baron of great note, the lady of that nobleman replied, that ſhe would never entruſt her ſon into the hands of one who had murdered his own nephew, while in his cuſtody. Her huſband reproved her for the ſeverity of this ſpeech; but, ſenſible of his danger, he immediately fled with his wife and ſon into Ireland, where he endeavoured to conceal himſelf. The King diſcovered the unhappy family in their retreat; ſeized the wife and ſon, whom he ſtarved to death in priſon; and the baron himſelf narrowly eſcaped, by flying into France[e].

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1207.

1208.

THE church of Rome had artificially contrived a gradation of ſentences; by which ſhe kept offenders in awe; ſtill afforded them an opportunity of preventing the next anathema by ſubmiſſion; and in caſe of their obſtinacy, was able to refreſh the horror of the people againſt them, by new denunciations of the wrath and vengeance of heaven. As the ſentence of interdict had not operated the deſired effect on John, and as his people,

1209.

[d] M. Weſtm. p. 268.

[e] M. Paris, p. 158, 161. Chron. Dunſt. vol. i. p. 52. Ann. Waverl. p. 172. Ann. Marg. p. 15. M. Weſt. p. 268, 269.

though

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though extremely diſcontented, had hitherto been reſtrained from riſing into open rebellion againſt him, he was ſoon to look for the ſentence of excommunication: And he had reaſon to apprehend, that, notwithſtanding all his precautions, the moſt dangerous conſequences might enſue from it. He was witneſs of the other ſcenes, which, at that very time, were acting in Europe, and which diſplayed the unbounded and uncontrouled power of the papacy. Innocent, far from being diſmayed at his conteſts with the King of England, had excommunicated the Emperor Otho, John's nephew[f]; and ſoon brought that powerful and haughty prince to ſubmit to his authority. He publiſhed a cruſade againſt the Albigenſes, a ſpecies of enthuſiaſts in the ſouth of France, whom he denominated heretics, becauſe, like other enthuſiaſts, they neglected the rites of the church, and oppoſed the power and influence of the clergy: The people from all parts of Europe, moved by their ſuperſtition and their paſſion for wars and adventures, flocked to his ſtandard: Simon de Montfort, the general of the cruſade, acquired to himſelf a ſovereignty in theſe provinces: The count de Tholouſe, who protected the Albigenſes, was deſpoiled of his dominions: And theſe ſectaries themſelves, tho' the moſt innocent and inoffenſive of mankind, were exterminated with all the circumſtances of the moſt extreme violence and barbarity. Here were therefore both an army and a general, dangerous from their zeal and valour, who might be directed to act againſt John; and Innocent, after keeping the thunder long ſuſpended, gave at laſt authority to the biſhops of London, Ely, and Worceſter, to denounce the ſentence of excommunication againſt him[g]. Theſe prelates obeyed; though their brethren were deterred from publiſhing,

Excommunication of the King.

[f] M. Paris, p. 160. Trivet, p. 154. M. Weſt. p. 269.
[g] M. Paris, p. 159. M. Weſt. p. 270.

as

as the Pope required of them, the ſentence in the ſeveral churches of their dioceſes.

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1209.

No ſooner was the excommunication known, than the effects of it appeared. Geoffrey, archdeacon of Norwich, who was entruſted with a conſiderable office in the court of Exchequer being informed of it while ſitting on the bench, obſerved to his brethren the danger of ſerving under an excommunicated King; and he immediately left his chair, and departed the court. John gave orders to ſeize him, to throw him into priſon, to cover his head with a great leaden cope; and by this and other ſevere uſage, he ſoon put an end to his life[h]: Nor was there any thing wanting to Geoffrey, except the dignity and rank of Becket, to exalt him to an equal ſtation in heaven with that great and celebrated martyr. Hugh de Wells, the King's chancellor, being elected, by his appointment, biſhop of Lincoln, upon a vacancy in that ſee, deſired leave to go abroad, in order to receive conſecration from the archbiſhop of Roüen; but he no ſooner reached France, than he haſtened to Pontigny, where Langton then reſided, and paid ſubmiſſions to him as his primate. The biſhops, finding themſelves expoſed equally to the jealouſy of the King and hatred of the people, gradually ſtole out of the kingdom; and at laſt there remained only three prelates to perform the functions of the epiſcopal office[i]. Many of the nobility, terrified with John's tyranny, and obnoxious to him on different accounts, imitated the example of the biſhops; and moſt of the others, who remained, were with reaſon ſuſpected of having ſecretly entered into a confederacy againſt him[k]. John was alarmed at his dangerous ſituation; a ſituation, which prudence, vigour, and po-

[h] M. Paris, p. 159.
[i] Ann. Wavel. p. 170. Ann. Marg. p. 14.
[k] M. Paris, p. 162. M. Weſt. p. 270, 271.

pularity,

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1209. pularity, might formerly have prevented, but which no virtues nor abilities were now ſufficient to remedy. He deſired a conference with Langton at Dover; offered to acknowledge him as primate, to ſubmit to the Pope, to reſtore the exiled clergy, even to pay them a limited ſum as a compenſation for the rents of their confiſcated eſtates. But Langton, perceiving his advantage, was not ſatisfied with theſe conceſſions: He demanded, that full reſtitution and reparation ſhould be made to all the clergy; a condition ſo exorbitant, that the King, who probably had not the power of fulfilling it, and who foreſaw that this eſtimation of damages might amount to an immenſe ſum, finally broke off the conference [l].

1212. THE next gradation of papal ſentences was to abſolve John's ſubjects from their oaths of fidelity and allegiance, and to declare every one excommunicated who had any commerce with him, in public or in private; at his table, in his council, or even in private converſation [m]: And this ſentence was accordingly, with all imaginable ſolemnity, denounced againſt him. But as John ſtill perſevered in his contumacy, there remained nothing but the ſentence of depoſition; which, though intimately connected with the former, had been diſtinguiſhed from it by the artifice of the Romiſh church; and Innocent determined to dart this laſt thunder-bolt againſt the refractory monarch. But as a ſentence of this kind required an armed force to execute it, the pontiff, caſting his eyes around, pitched at laſt on Philip, King of France, as the perſon, into whoſe powerful hand he could moſt properly entruſt that weapon, the ultimate reſource of his ghoſtly authority. And he proffered that monarch, beſides the remiſ-

[l] Ann. Waverl. p. 171.

[m] M. Paris, p. 161. M. Weſt. p. 270.

ſion

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1212.

sion of all his sins and endless spiritual benefits, the property and possession of the kingdom of England, as the reward of his labour [n].

1213.

It was the common concern of all princes to oppose these exorbitant pretensions of the Roman pontiff, by which they themselves were rendered vassals, and vassals totally dependant, of the papal crown: Yet even Philip, the most able monarch of the age, was seduced, by present interest, and by the prospect of so tempting a prize, to accept this liberal offer of the pontiff, and thereby to ratify that authority, which, if he ever opposed its boundless usurpations, might, next day, tumble him from the throne. He levied a great army; summoned all the vassals of his crown to attend him at Roüen; collected a fleet of 1700 vessels, great and small, in the sea-ports of Normandy and Picardy; and partly from the zeal of the age, partly from the personal regard, universally paid him, prepared a force, which seemed equal to the greatness of his enterprize. The King, on the other hand, issued out writs, requiring the attendance of all his military vassals at Dover, and even of all able-bodied men, to defend the kingdom in this dangerous extremity. An infinite number appeared; of whom he selected an army of 60,000 men; a power invincible, had they been united in affections to their prince, and animated with a becoming zeal for the defence of their native country [o]. But the people were swayed by superstition, and regarded their King with horror, as anathematized by papal censures: The barons, besides lying under the same prejudices, were all disgusted with his tyranny, and were, many of them, suspected of holding a secret correspondence with the

[n] M. Paris, p. 162. M. West. p. 271.

[o] M. Paris, p. 163. M. West. p. 271.

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enemy: And the incapacity and cowardice of the King himſelf, ill fitted to contend with thoſe mighty difficulties, made men prognoſticate the moſt fatal effects from the French invaſion.

PANDOLF, whom the Pope had choſen for his legate, and appointed to head this important expedition, had, before he left Rome, applied for a ſecret conference with his maſter, and had aſked him, whether if the King of England, in this deſperate ſituation, were willing to ſubmit to the apoſtolic ſee, he ſhould grant him any terms of accommodation[p]? Innocent, expecting from his agreement with a prince ſo abject both in character and fortune, more advantages than from his alliance with a great and victorious monarch, who, after ſuch mighty acquiſitions, might become too haughty to be bound by ſpiritual chains, explained to Pandolf the conditions on which he was willing to be reconciled to the King of England. The legate, therefore, as ſoon as he arrived in the north of France, ſent over two knights templars to deſire an interview with John at Dover, which was readily granted; and he there repreſented to him, in ſuch ſtrong, and probably in ſuch true colours, his loſt condition, the diſaffection of his ſubjects, the ſecret combination of his vaſſals againſt him, the mighty armament of France, that

13th May. John yielded at diſcretion[q], and ſubſcribed to all the conditions which Pandolf was pleaſed to impoſe upon him. He promiſed, among other articles, that he would ſubmit himſelf entirely to the judgment of the Pope; that he would acknowledge Langton for primate; that he would reſtore all the exiled clergy and laity, who had been baniſhed on account of the conteſt; that he would make them full reſtitution of their goods, and compenſa-

The king's ſubmiſſion to the Pope.

[p] M. Paris, p. 162.

[q] M. Weſt. p. 271.

tion for all damages, and inſtantly conſign eight thouſand pounds, in part of payment; and that every one outlawed or impriſoned for their adherence to the Pope, ſhould immediately be received into grace and favour[r]. Four barons ſwore, along with the King, to the obſervance of this ignominious treaty[s]. CHAP. XI. 1213.

But the ignominy of the King was not yet carried to its full height. Pandolf required him, as the firſt ſpecimen of his deference to the Pope's orders, to reſign his kingdom to the church, and he perſuaded him, that he could no wiſe ſo effectually diſappoint the French invaſion, as by thus putting himſelf under the immediate protection of the apoſtolic ſee. John, lying under the agonies of preſent terror, made no ſcruple of ſubmitting to this condition. He paſſed a charter, in which he ſaid, that, not conſtrained by fear, but of his own free-will, and by the common advice and conſent of his barons, he had, for remiſſion of his own ſins and thoſe of his family, reſigned England and Ireland to God, to St. Peter and St. Paul, and to Pope Innocent and his ſucceſſors in the apoſtolic chair: He agreed to hold theſe dominions as feudatory of the church of Rome, by the annual payment of a thouſand marks; ſeven hundred for England, three hundred for Ireland: And he ſtipulated, that if he or his ſucceſſors ſhould ever preſume to revoke or infringe this charter, they ſhould inſtantly, except upon admonition they repented them of their offence, forfeit all right to their dominions[t].

In conſequence of this agreement, John did homage to Pandolf as the Pope's legate, with all the humiliating rites 15th May.

[r] Rymer, vol. i. p. 166. M. Paris, p. 163. Annal. Burt. p. 268.
[s] Rymer, vol. i. p. 170. M. Paris, p. 163.
[t] Rymer, vol. i. p. 176. M. Paris, p. 165. Trivet, p. 158. Ann. Waverl. p. 177. W. Heming. p. 554. M. Weſt. p. 271, 272. Ann. Burt. p. 269.

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which the feudal law required of vaſſals before their liege-lord and ſuperior. He came diſarmed into the legate's preſence, who was ſeated on a throne; he flung himſelf on his knees before him; he lifted up his joined hands, and put them within thoſe of Pandolf; he ſwore fealty to the Pope; and he paid part of the tribute, which he owed for his kingdom as the patrimony of St. Peter. The legate, elated by this ſupreme triumph of ſacerdotal power, could not forbear diſcovering extravagant ſymptoms of joy and exultation: He trampled on the money, which was laid at his feet as an earneſt of the ſubjection of the kingdom: An inſolence, of which, however offenſive to all the Engliſh, no one preſent, except the archbiſhop of Dublin, dared to take any notice. But though Pandolf had brought the King to ſubmit to theſe baſe conditions, he ſtill refuſed to free him from the excommunication and interdict, till an eſtimation ſhould be taken of the loſſes of the eccleſiaſtics, and full compenſation and reſtitution ſhould be made them.

JOHN, reduced to this abject ſituation under a foreign power, ſtill ſhowed the ſame diſpoſition to tyrannize over his ſubjects, which had been the chief cauſe of all his misfortunes. One Peter of Pomfret, a hermit, had foretold, that the King, this very year, ſhould loſe his crown; and for that raſh prophecy, he had been thrown into priſon in Corfe-caſtle. John now determined to bring him to puniſhment as an impoſtor; and though the man pleaded, that his prophecy was fulfilled, and that the King had loſt the royal and independent crown which he formerly wore, the defence was ſuppoſed to augment his guilt: He was dragged at horſes tails to the town of Warham, and there hanged on a gibbet with his ſon[u].

[u] M. Paris, p. 165. Chron. Dunſt. vol. i. p. 56. Chron. Mailr. p. 186, 187. T. Wykes, p. 37. Ann. Waverl. p. 179. M. Weſt. p. 270, 272. Knyghton, p. 2324.

WHEN

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WHEN Pandolph, after receiving the homage of John, returned to France; he congratulated Philip on the ſucceſs of his pious enterprize; and informed him, that John, moved by the terror of the French arms, had now come to a juſt ſenſe of his guilt; had returned to obedience under the apoſtolic ſee; had even conſented to do homage to the Pope for his dominions; and having thus made his kingdom a part of St. Peter's patrimony, had rendered it impoſſible for any Chriſtian prince, without the moſt manifeſt and moſt flagrant impiety, to attack him [x]. Philip was in a rage on receiving this intelligence: He exclaimed, that having, at the Pope's inſtigation, undertaken an expedition, which had coſt him above 60,000 pounds ſterling, he was fruſtrated of his purpoſe, at the time when its ſucceſs was become infallible: He complained, that all the expence had fallen upon him; all the advantages had accrued to Innocent: He threatened to be no longer the dupe of theſe hypocritical pretences: And aſſembling his vaſſals, he laid before them the ill treatment which he had received, expoſed the intereſted and fraudulent conduct of the Pope, and required their aſſiſtance to execute his enterprize againſt England, in which, he told them, that, notwithſtanding the inhibitions and menaces of the legate, he was determined to perſevere. The French barons were in that age little leſs ignorant and ſuperſtitious than the Engliſh: Yet, ſo much does the influence of theſe religious principles depend on the preſent diſpoſition of mens minds! they all vowed to follow their prince on his intended expedition, and were reſolute not to be diſappointed of that glory and thoſe riches, which they had long expected from this enterprize. The earl of Flanders alone, who had previouſly formed a ſecret treaty with John, declaring againſt the injuſtice and impiety of the undertaking, retired

[x] Trivet, p. 160.

with

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with his forces [y]; and Philip, that he might not leave ſo dangerous an enemy behind him, firſt turned his arms againſt the dominions of that prince. Meanwhile, the Engliſh fleet was aſſembled under the earl of Saliſbury, the King's natural brother; and though inferior in number, received orders to attack the French in their harbours. Saliſbury performed this ſervice with ſo much ſucceſs, that he took three hundred ſhips; deſtroyed a hundred more [z]: And Philip, finding it impoſſible to prevent the reſt from falling into the hands of the enemy, ſet fire to them himſelf, and thereby rendered it impoſſible for him to proceed any farther in his enterprize.

JOHN, exulting in his preſent ſecurity, inſenſible to his paſt diſgrace, was ſo elated with this ſucceſs, that he thought of no leſs than invading France in his turn, and recovering all thoſe provinces which the proſperous arms of Philip had formerly raviſhed from him. He propoſed this expedition to the barons, who were already aſſembled for the defence of the kingdom. But the Engliſh barons both hated and deſpiſed their prince: They prognoſticated no ſucceſs to any enterprize conducted by ſuch a leader: And pretending, that their time of ſervice was elapſed, and all their proviſions exhauſted, they refuſed to ſecond his undertaking [a]. The King, however, reſolute in his purpoſe, embarked with a few followers, and ſailed to Jerſey, in the fooliſh notion, that the barons would at laſt be aſhamed to ſtay behind [b]. But finding himſelf diſappointed, he returned to England; and raiſing ſome troops, threatened to take vengeance on all his nobles for their deſertion and diſobedience. The archbiſhop of Canterbury, who was in a confederacy with the

[y] M. Paris, p. 166. [z] M. Paris, p. 166. Chron. Dunſt. vol. i. p. 59. Trivet, p. 157.
[a] M. Paris, p. 166. [b] Ibid.

barons,

barons, here interpoſed; ſtrictly inhibited the King from thinking of ſuch an attempt; and threatened him with a renewal of the ſentence of excommunication, if he pretended to levy war upon any of his ſubjects, before the kingdom was freed from the ſentence of interdict[c]. CHAP. XI. 1213.

THE church had diſſolved the ſeveral anathemas pronounced againſt John, by the ſame gradual progreſs with which ſhe had at firſt iſſued them. By receiving his homage, and admitting him to the rank of vaſſal, his depoſition was annulled, and his ſubjects were again bound by their oaths of allegiance. The exiled prelates then returned in great triumph, with Langton at their head; and the King, hearing of their approach, went forth to meet them, and throwing himſelf on the ground before them, he entreated them with tears to have compaſſion on him and the kingdom of England[d]. The primate, ſeeing theſe marks of ſincere penitence, led him to the chapter-houſe of Wincheſter, and there adminiſtered an oath to him, by which he again ſwore fealty and obedience to Pope Innocent and his ſucceſſors; promiſed to love, maintain, and defend holy church and the clergy; engaged, that he would re-eſtabliſh the good laws of his anceſtors, particularly thoſe of St. Edward, and would aboliſh the wicked ones; and expreſſed his reſolution of maintaining juſtice and right in all his dominions[e]. The primate next gave him abſolution in the requiſite forms, and admitted him to dine with him, to the great joy of all the people. The ſentence, however, of interdict was ſtill upheld againſt the kingdom. A new legate, Nicholas, biſhop of Freſcati, came into England, in the place of Pandolf; and he declared it to be the Pope's intentions never to 20th July.

[c] M. Paris, p. 167.
[d] M. Paris, p. 166. Ann. Waverl. p. 178.
[e] M. Paris, p. 166.

looſen

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1213. looſen that ſentence till full reſtitution was made to the clergy of every thing taken from them, and ample reparation for all damages which they had ſuſtained [f]. He only permitted maſs to be ſaid with a low voice in the churches, till theſe loſſes and damages could be eſtimated to the ſatisfaction of the parties. Certain barons were appointed to take an account of the claims [g]; and John was aſtoniſhed at the greatneſs of the ſums, to which the clergy made their loſſes to amount. No leſs than twenty thouſand marks were demanded by the monks of Canterbury alone; twenty-three thouſand for the ſee of Lincoln [h]; and the King, finding theſe pretenſions to be infinite and endleſs, proffered the clergy the ſum of an hundred thouſand marks for a final acquittal. The clergy rejected the offer with diſdain; but the Pope, willing to favour his new vaſſal, whom he found zealous in his declarations of fealty, and regular in paying the ſtipulated tribute to Rome, directed his legate to accept of forty thouſand [i]. The iſſue of the whole was, that the biſhops and conſiderable abbots got reparation beyond what they had any title to demand: The inferior clergy were obliged to ſit down contented with their loſſes [k]: And the King, after the interdict was taken off, renewed, in the moſt ſolemn manner, and by a new charter, ſealed with gold, his profeſſions of homage and obedience to the ſee of Rome [l].

1214. WHEN this vexatious affair was at laſt brought to a concluſion, the King, as if he had nothing farther to attend to but triumphs and victories, went over to Poictou, which ſtill acknowledged his authority [m]; and he carried war into Philip's

[f] Trivet, p. 160. Ann. Waverl. p. 178. [g] Brady's Append. No. 103, 104.
[h] Chron. Dunſt. vol. i. p. 64. [i] M. Paris, p. 173. Chron. Dunſt. vol. i. p. 62.
[k] Ann. Waverl. p. 179. [l] M. Paris, p. 172. [m] Queen Eleanor died in 1203 or 1204.

dominions.

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1214.

THE introduction of the feudal law into England by William the Conqueror had much infringed the liberties, however imperfect, enjoyed by the Anglo-Saxons in their antient government, and had reduced the whole people to a ſtate of vaſſalage under the King or barons, and even the greateſt part of them to a real ſtate of ſlavery. The neceſſity alſo of devolving great power into the hands of a prince, who was to maintain a military dominion over a vanquiſhed nation, had engaged the Norman barons to ſubmit to a more rigorous and abſolute authority, than that to which men of their rank, in other feudal governments, were commonly ſubjected. The prerogatives of the crown, once raiſed to a high pitch, were not eaſily reduced; and the nation, during the courſe of a hundred and fifty years, had

Diſcontents of the barons.

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groaned under a tyranny, unknown to all the kingdoms founded by the northern conquerors. Henry I. that he might allure the people to give an exclufion to his elder brother Robert, had granted them a charter, favourable in many particulars to their liberties; Stephen had renewed this grant; Henry II. had confirmed it: But the conceſſions of all theſe princes had ſtill remained without effect; and the ſame unlimited, at leaſt irregular authority, continued to be exerciſed both by them and their ſucceſſors. The only happineſs was, that arms were never yet raviſhed from the hands of the barons and people: The nation, by a great confederacy, might ſtill vindicate its liberties: And nothing was more likely, than the character, conduct, and fortunes of the preſent ſovereign, to produce ſuch a general union and combination againſt him. Equally odious and contemptible, both in public and private life, he affronted the barons by his inſolence, diſhonoured their families by his gallantries, enraged them by his tyranny, and gave diſcontent to all ranks of men by his endleſs exactions and impoſitions[n]. The effect of theſe lawleſs practices had already appeared in the general demand made by the barons of a reſtoration of their privileges; and after he had reconciled himſelf to the Pope, by abandoning the independance of the kingdom, he appeared to all the world in ſo mean a light, that they univerſally thought they might with ſafety and honour inſiſt upon their pretenſions.

BUT nothing forwarded this confederacy ſo much as the concurrence of Langton, archbiſhop of Canterbury; a man, whoſe memory, though he was obtruded on the nation by a palpable incroachment of the ſee of Rome, ought always to be reſpected

[n] Chron. Mailr. p. 188. T. Wykes, p. 36. Ann. Waverl. p. 181. W. Heming. p. 557.

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by the Engliſh. This prelate, whether he was moved by the generoſity of his nature and his affection to public good; or had entertained an animoſity againſt John, on account of the long oppoſition made by that prince to his election; or thought, that an acquiſition of liberty to the people would ſerve to increaſe and ſecure the privileges of the church; had formed the plan of reforming the government, and had prepared the way for that great innovation, by inſerting thoſe ſingular clauſes above-mentioned in the oath, which he adminiſtered to the King, before he would abſolve him from the ſentence of excommunication. Soon after, in a private meeting of ſome principal barons at London, he ſhowed them a copy of Henry I.'s charter, which, he ſaid, he had happily found in a monaſtery; and he exhorted them to inſiſt on the renewal and obſervance of it: The barons ſwore, that they would ſooner loſe their lives than depart from ſo reaſonable a demand [o]. The confederacy began now to ſpread wider, and to comprehend almoſt all the barons of England; and a new and more numerous meeting was ſummoned by Langton at St. Edmondſbury, under colour of devotion. He again produced to the aſſembly the old charter of Henry; renewed his exhortations of unanimity and vigour in the proſecution of their purpoſe; and repreſented in the ſtrongeſt colours the tyranny to which they had ſo long been ſubjected, and from which it now behoved them to free themſelves and their poſterity [p]. The barons, inflamed by his eloquence, incited by the ſenſe of their wrongs, and encouraged by the appearance of their power and numbers, ſolemnly took an oath before the high altar, to adhere to each other, to inſiſt on their demands, and to make endleſs war on the King, till he ſhould ſubmit to grant them [q]. They agreed,

November.

[o] M. Paris, p. 167. [p] M. Paris, p. 175. [q] M. Paris, p. 176.

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that, after the feſtival of Chriſtmas, they would prefer in a body their common petition; and in the mean time, they ſeparated, after mutually promiſing, that they would put themſelves in a poſture of defence, would inliſt men and purchaſe arms, and would ſupply their caſtles with the neceſſary proviſions.

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1215. 6th January. THE barons appeared in London on the day appointed; and demanded of the King, that, in conſequence of his own oath before the primate, as well as in deference to their juſt rights, he would grant them a renewal of Henry's charter, and a confirmation of the laws of St. Edward. The King, alarmed with their zeal and unanimity, as well as with their power, required a delay; promiſed, that at the feſtival of Eaſter, he would give them a poſitive anſwer to their petition; and offered them the archbiſhop of Canterbury, the biſhop of Ely, and the earl of Pembroke, the Mareſchal, as ſureties for his fulfilling this engagement[r]. The barons accepted of the terms, and peaceably returned to their caſtles.

15th January. DURING this interval, John, in order to break or ſubdue the league of his barons, endeavoured to avail himſelf of the eccleſiaſtical power, of whoſe influence he had, from his own recent misfortunes, had ſuch fatal experience. He granted to the clergy a charter, abandoning for ever that important prerogative, for which his father and all his anceſtors had zealouſly contended; yielding to them the free election on all vacancies; reſerving only the power to iſſue a congé d'elire, and to ſubjoin a confirmation of the election; and declaring, that, if either of theſe were with-held, the choice ſhould nevertheleſs be deemed juſt

[r] M. Paris, p. 176. M. Weſt. p. 273.]

and

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and valid[s]. He made a vow to lead an army into Paleſtine againſt the infidels, and he took on him the croſs; in hopes, that he ſhould receive from the church that protection, which ſhe tendered to every one that had entered into this ſacred and meritorious engagement[t]. And he ſent to Rome his agent, William de Mauclerc, in order to appeal to the Pope againſt the tyranny of his barons, and procure him a favourable ſentence from that powerful tribunal[u]. The barons alſo were not negligent on their part in endeavouring to engage the Pope in their intereſts: They diſpatched Euſtace de Veſcie to Rome; laid their caſe before Innocent as their feudal lord; and petitioned him to interpoſe his authority with the King, and oblige him to reſtore and confirm all their juſt and undoubted privileges[x].

INNOCENT beheld with regret the diſturbances which had ariſen in England, and was much inclined to favour John in his pretenſions. He had no other hopes of retaining and extending his newly acquired ſuperiority over that kingdom, but by ſupporting ſo baſe and degenerate a prince, who was willing to ſacrifice every conſideration to his preſent ſafety; and he foreſaw, that, if the adminiſtration fell into the hands of theſe gallant and high-ſpirited barons, they would vindicate the honour, liberty, and independance of the nation, with the ſame ardour which they now exerted in defence of their own. He wrote letters therefore to the prelates, to the nobility, and to the King himſelf. He exhorted the firſt to employ their good offices in conciliating peace between the contending parties, and putting an

[s] Rymer, vol. i. p. 197. [t] Rymer, vol. i. p. 200. Trivet, p. 162. T. Wykes, p. 37. M. Weſt. p. 273. [u] Rymer, vol. i. p. 184. [x] Ibid.

end

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end to civil diſcord: To the ſecond, he expreſſed his diſapprobation of their conduct in employing force to extort conceſſions from their reluctant ſovereign: The laſt, he adviſed to treat his nobles with grace and indulgence, and to grant them ſuch of their demands as ſhould appear juſt and reaſonable[y].

THE barons eaſily ſaw, from the tenor of theſe letters, that they muſt lay their account of having the Pope, as well as the King, for their adverſary; but they had already advanced too far to recede from their pretenſions, and their paſſions were ſo deeply engaged, that it exceeded even the power of ſuperſtition itſelf any longer to controul them. They alſo foreſaw, that the thunders of Rome, when not ſeconded by the efforts of the Engliſh eccleſiaſtics, would be of ſmall avail againſt them; and they perceived, that the moſt conſiderable of the prelates, as well as all the inferior clergy, profeſſed the higheſt approbation of their cauſe. Beſides, that theſe men were ſeized with the national paſſion for laws and liberty; bleſſings, of which they themſelves expected to partake; there concurred very powerful cauſes to looſen their devoted attachment to the apoſtolic ſee. It appeared from all the late uſurpations of the Roman pontiff, that he pretended to reap alone all the advantages accruing from that victory, which, under his banners, though at their own hazard, they had every where obtained over the civil magiſtrate. The Pope aſſumed a deſpotic power over all the churches: Their particular cuſtoms, privileges, and immunities, were treated with diſdain: Even the canons of general councils were ſet aſide by his diſpenſing power: The whole adminiſtration of the church was centered in the court of Rome: All preferments ran of

[y] Rymer, vol. i. p. 196, 197.

courſe

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courſe in the ſame channel: And the provincial clergy ſaw, at leaſt felt, that there was a neceſſity of limiting theſe exorbitant pretenſions. The legate, Nicholas, in filling thoſe numerous vacancies which had fallen in England during an interdict of ſix years, had proceeded in the moſt arbitrary manner; and had paid no regard, in conferring dignities, to perſonal merit, to rank, to the inclination of the electors, or to the cuſtoms of the country. The Engliſh church was univerſally diſguſted; and Langton himſelf, though he owed his elevation to an incroachment of the Romiſh ſee, was no ſooner eſtabliſhed in his high office, than he became jealous of the privileges annexed to it, and formed attachments with the country ſubjected to his juriſdiction. Theſe cauſes, though they opened ſlowly the eyes of men, failed not to produce their effect: They ſet bounds to the uſurpations of the papacy: The tide firſt ſtopped, and then turned againſt the ſovereign pontiff: And it is otherwiſe inconceivable, how that age, ſo prone to ſuperſtition, and ſo ſunk in ignorance, or rather ſo devoted to a ſpurious erudition, could have eſcaped falling into an abſolute and total ſlavery under the court of Rome.

Inſurrection of the barons.

ABOUT the time that the Pope's letters arrived in England, the malcontent barons, on the approach of the feſtival of Eaſter, when they were to expect the King's anſwer to their petitions, met by agreement at Stamford; and they aſſembled a force, conſiſting of above 2000 knights, beſides their retainers and inferior perſons without number. Elated with their power, they advanced in a body to Brackley, within fifteen miles of Oxford, the place where the court then reſided; and they there received a meſſage from the King, by the archbiſhop of Canterbury and the

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the earl of Pembroke, deſiring to know what thoſe liberties were which they ſo zealouſly challenged from their ſovereign. They delivered to theſe meſſengers a ſchedule, containing the chief articles of their demands; which was no ſooner ſhown to the King, than he burſt into a furious paſſion, and aſked why the barons did not alſo demand of him his kingdom? ſwearing, that he would never grant them ſuch liberties as muſt reduce himſelf to ſlavery[z].

No ſooner were the confederated nobles informed of John's reply, than they choſe Robert Fitz-Walter their general, whom they called *the Mareſchal of the army of God and of holy church*; and they proceeded without farther ceremony to make war upon the King. They beſieged the caſtle of Northampton during fifteen days, though without ſucceſs[a]: The gates of Bedford caſtle were willingly opened to them by William Beauchamp, its owner: They advanced to Ware in their way to London, where they held a correſpondence with the principal citizens: They were received without oppoſition into that capital: And finding now the great ſuperiority of their force, they iſſued proclamations, requiring the other barons to join them, and menacing them, in caſe of refuſal or delay, with committing devaſtation on their houſes and eſtates[b]. In order to ſhow them what they might expect from their proſperous arms, they made incurſions from London, and laid waſte the King's parks and palaces; and all the barons, who had hitherto carried the ſemblance of ſupporting the royal party, were glad of this pretence to join openly a cauſe, which they always had ſecretly favoured.

24th May.

[z] M. Paris, p. 176.

[a] M. Paris, p. 177. Chron. Dunſt. vol. i. p. 71.

[b] M. Paris, p. 177.

The

The King was left at Odiham in Surrey with a poor retinue of only ſeven knights; and after trying ſeveral expedients to elude the blow, after offering to refer all differences to the Pope alone, or to eight barons, four to be choſen by himſelf, and four by the confederates [c], he found himſelf at laſt obliged to ſubmit at diſcretion. CHAP. XI. 1215.

A CONFERENCE between the King and the barons was appointed at Runnemede, between Windſor and Staines; a place which has ever ſince been extremely celebrated, on account of this great event. The two parties encamped apart, like open enemies; and after a debate of a few days, the King, with a facility ſomewhat ſuſpicious, ſigned and ſealed the charter which was required of him. This famous deed, commonly called the GREAT CHARTER, either granted or ſecured very important liberties and privileges to every order of men in the kingdom; to the clergy, to the barons, and to the people. Magna Charta. 15th June. 19th June.

THE freedom of elections was ſecured to the clergy: The former charter of the King was confirmed, by which the neceſſity of a royal congé d'elire and confirmation was ſuperſeded: All check upon appeals to Rome was removed, by the allowance granted every man to depart the kingdom at pleaſure: And the fines upon the clergy, for any offence, were ordained to be proportional to their lay eſtates, not to their eccleſiaſtical benefices.

THE privileges granted to the barons were either abatements in the rigors of the feudal law, or determinations in points which had been left by that law, or had become by practice, ar-

[c] Rymer, vol. i. p. 200.

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bitrary and ambiguous. The reliefs of heirs ſucceeding to a military fee were aſcertained; an earl's and baron's at an hundred marks, a knight's at an hundred ſhillings. It was ordained by the charter, that, if the heir be a minor, he ſhall, immediately upon his majority, enter upon his eſtate, without paying any relief: The King ſhall not ſell his wardſhip: He ſhall levy only reaſonable profits upon the eſtate, without committing waſte or hurting the property: He ſhall uphold the caſtles, houſes, mills, parks and ponds: And if he commit the guardianſhip of the eſtate to the ſheriff or any other, he ſhall previouſly oblige them to find ſurety to the ſame purpoſe. During the minority of a baron, while his lands are in wardſhip, and are not in his own poſſeſſion, no debt which he owes to the Jews ſhall bear any intereſt. Heirs ſhall be married without diſparagement; and before the marriage be contracted, the neareſt relations of the perſons ſhall be informed of it. A widow, without paying any relief, ſhall enter upon her dower, the third part of her huſband's rents: She ſhall not be compelled to marry, ſo long as ſhe chuſes to continue ſingle; ſhe ſhall only give ſecurity never to marry without her lord's conſent. The King ſhall not claim the wardſhip of any minor, who holds lands by military tenure of a baron, on pretence that he alſo holds lands of the crown, by ſoccage or any other tenure. Scutages ſhall be eſtimated at the ſame rate as in the time of Henry I.; and no ſcutage or aid, except in the three general feudal caſes, the King's captivity, the knighting his eldeſt ſon, and the marrying his eldeſt daughter, ſhall be impoſed but by the great council of the kingdom; the prelates, earls and great barons, ſhall be called to this great council, each by a particular writ; the leſſer barons by a general ſummons of the ſheriff. The King ſhall not ſeize any baron's land for a debt to the crown, if the baron poſſeſſes as many goods

goods and chattels as are ſufficient to diſcharge the debt. No man ſhall be obliged to perform more ſervice for his fee than he is bound to by his tenure. No governor or conſtable of a caſtle ſhall oblige any knight to give money for caſtle-guard, if he is willing to perform the ſervice in perſon, or by another able-bodied man; and if the knight be in the field himſelf, by the king's command, he ſhall be exempt from all other ſervice of this nature. No vaſſal ſhall be allowed to ſell ſo much of his land as to incapacitate himſelf from performing his ſervice to his lord.

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THESE were the principal articles, which were calculated for the intereſts of the barons; and had the charter contained nothing farther, national happineſs and liberty had been very little promoted by it, as it would only have tended to increaſe the power and independance of an order of men, who were already too powerful, and whoſe yoke might have become more heavy on the people than even that of an abſolute monarch. But the barons, who alone drew and impoſed on the prince this memorable charter, were neceſſitated to inſert in it other clauſes of a more extenſive and more beneficent nature: They could not expect the concurrence of the people, without comprehending, together with their own, the intereſts of inferior ranks of men; and all proviſions, which the barons, for their own ſakes, were obliged to make, in order to enſure the free and equitable adminiſtration of juſtice, tended directly to the benefit of the whole community. The following were the principal clauſes of this nature.

IT was ordained, that all the privileges and immunities abovementioned, granted to the barons againſt the King, ſhould be

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extended by the barons to their inferior vaſſals. The King bound himſelf not to grant any writ, empowering a baron to levy aids from his vaſſals, except in the three feudal caſes. One weight and one meaſure ſhall be eſtabliſhed throughout the whole kingdom. Merchants ſhall be allowed to tranſact all buſineſs, without being expoſed to any arbitrary tolls and impoſitions: They and all free men ſhall be allowed to go out of the kingdom and return to it at pleaſure. London, and all cities and burghs, ſhall preſerve their antient liberties, immunities and free cuſtoms: Aids ſhall not be required of them but by the conſent of the great council. No towns nor individuals ſhall be obliged to make or ſupport bridges but by antient cuſtom. The goods of every free man ſhall be diſpoſed of according to his will: If he die inteſtate, his heirs ſhall ſucceed to them. No officer of the crown ſhall take any horſes, carts, or wood, without the conſent of the owner. The King's courts of juſtice ſhall be ſtationary, and ſhall no longer follow his perſon: They ſhall be open to every one; and juſtice ſhall no longer be bought, refuſed, or delayed by them. The ſheriffs ſhall be incapacitated to hold pleas of the crown; and ſhall not put any perſon upon his trial, from rumour or ſuſpicion alone, but upon the evidence of lawful witneſſes. No freeman ſhall be taken or impriſoned, or diſpoſſeſſed of his free tenement and liberties, or outlawed, or baniſhed, or any wiſe hurt or injured, unleſs by the legal judgment of his peers, or by the law of the land; and all who ſuffered otherwiſe in this or the two former reigns, ſhall be reſtored to their rights and poſſeſſions. Every freeman ſhall be fined in proportion to his fault; and no fine ſhall be levied on him to his utter ruin: Even a villain or ruſtic ſhall not by any fine be bereaved of his carts, ploughs, and implements of huſbandry. This was the only article calculated for the intereſts of

of this body of men, probably at that time the moſt numerous in the kingdom!

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It muſt be confeſſed, that the former articles of the Great Charter contain ſuch mitigations and explanations of the feudal law as are very reaſonable and equitable; and that the latter involve all the chief outlines of a legal government, and provide for the equal diſtribution of juſtice, and free enjoyment of property; the great objects for which political ſociety was at firſt founded by men, which the people have a perpetual and unalienable right to recal, and which no time, nor precedent, nor ſtatute, nor poſitive inſtitution, ought to deter them from keeping ever uppermoſt in their thoughts and attention. Though the proviſions made by this charter might, conformable to the genius of the age, be eſteemed too conciſe, and too bare of circumſtances, to maintain the execution of its articles, in oppoſition to the chicanery of lawyers, ſupported by the violence of power; time gradually aſcertained the ſenſe of all the ambiguous expreſſions; and thoſe generous barons, who firſt extorted this conceſſion, ſtill held their ſwords in their hands, and could turn them againſt thoſe who dared, on any pretence, to depart from the original ſpirit and meaning of the grant. It is now eaſy, from the tenor of this charter, to determine what thoſe laws were of King Edward, which the Engliſh nation, during ſo many generations, ſtill deſired, with ſuch an obſtinate perſeverance, to have recalled and eſtabliſhed. They were theſe latter articles of *Magna Charta*; and the barons, who, at the beginning of theſe commotions, required the revival of the Saxon laws, undoubtedly thought, that they had ſufficiently ſatisfied the people by procuring them this conceſſion, which comprehended the chief objects to which they had ſo long aſpired. But what

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what we are moſt to admire, is the prudence and moderation of thoſe haughty nobles themſelves, who were enraged by injuries, inflamed by oppoſition, and elated by a total victory over their ſovereign. They were contented, even in this plenitude of power, to depart from ſome articles of Henry I.'s charter, which they made the foundation of their demands, particularly from the abolition of wardſhips, ſo important a point; and they ſeem to have been ſufficiently careful not to diminiſh too far the power and revenue of the crown. If they appear, therefore, to have carried other demands to too great a height, it can be aſcribed only to the faithleſs and tyrannical character of the King himſelf, of which they had long had experience, and which, they foreſaw, would, if they provided no farther ſecurity, lead him ſoon to infringe their liberties, and recall his own conceſſions. This alone gave birth to thoſe other articles, ſeemingly exorbitant, which were added as a rampart for the ſafeguard of the Great Charter.

THE barons obliged the King to agree, that London ſhould remain in their hands, and the Tower be conſigned to the cuſtody of the primate, till the 15th of Auguſt next, or till the execution of the ſeveral articles of the great charter [f]. The better to inſure the ſame end, he allowed them to chooſe five and twenty members from their own body, as conſervators of the public liberties; and no bounds were ſet to the authority of theſe men either in extent or duration. If any complaint was made of a violation of the charter, whether by the King, juſticiaries, ſheriffs, or foreſters, any four of theſe barons might admoniſh the King to redreſs the grievance; and if ſatisfaction was not obtained, they

[f] Rymer, vol. i. p. 201. Chron. Dunſt. vol. i. p. 73.

could

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could aſſemble the whole council of twenty-five; who, in conjunction with the great council, were empowered to compel him to obſerve the charter, and, in caſe of reſiſtance, might levy war againſt him, attack his caſtles, and employ every kind of violence, except againſt his royal perſon, and that of his Queen and children. All men, throughout the kingdom, were bound, under the penalty of confiſcation, to ſwear obedience to the five and twenty barons; and the freeholders of each county were to chooſe twelve knights, who were to make report of ſuch evil cuſtoms as required redreſs, conformably to the tenor of the Great Charter[g]. The names of thoſe conſervators were the earls of Clare, Albemarle, Gloceſter, Wincheſter, Hereford, Roger Bigod, earl of Norfolk, Robert de Vere, earl of Oxford, William Mareſchal the younger, Robert Fitz-Walter, Gilbert de Clare, Euſtace de Veſcey, Gilbert Delaval, William de Moubray, Geoffrey de Say, Roger de Mombezon, William de Huntingfield, Robert de Ros, the conſtable of Cheſter, William de Aubenie, Richard de Perci, William Malet, John Fitz-Robert, William de Lanvalay, Hugh de Bigod, and Roger de Mountfichet[h]. Theſe men were, by this convention, really inveſted with the ſovereignty of the kingdom: They were rendered co-ordinate with the King, or rather ſuperior to him, in the exerciſe of the executive power: And as there was no circumſtance of government, which, either directly or indirectly, might not bear a relation to the ſecurity or obſervance of the great charter; there could ſcarce occur any incident, in which they might not lawfully interpoſe their authority.

[g] This ſeems a certain proof that the houſe of commons was not then in being; otherwiſe the knights and burgeſſes from the ſeveral counties could have given in to the lords a liſt of grievances, without any new election.

[h] M. Paris, p. 181.

JOHN

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JOHN ſeemed to ſubmit paſſively to all theſe regulations, however injurious to majeſty: He ſent writs to all the ſheriffs, ordering them to conſtrain every one to ſwear obedience to the twenty-five barons[i]; He diſmiſſed all his foreign forces: He pretended, that his government was henceforth to run in a new tenor, and to be more indulgent to the liberty and independance of his people. But he only diſſembled, 'till he ſhould find a favourable opportunity of annulling all his conceſſions. The injuries and indignities, which he had heretofore ſuffered from the Pope and the King of France, as they came from equals or ſuperiors, ſeemed to make but ſmall impreſſion on him: But the ſenſe of this perpetual and total ſubjection under his own rebellious vaſſals ſunk deep in his mind, and he was determined, at all hazards, to throw off ſo ignominious a ſlavery[k]. He grew ſullen, ſilent, and reſerved: He ſhunned the ſociety of his courtiers and nobles: He retired into the Iſle of Wight, as if deſirous to hide his ſhame and confuſion; but in this retreat he meditated the moſt fatal vengeance againſt all his enemies[l]. He ſecretly ſent abroad his emiſſaries to inliſt foreign ſoldiers, and to invite the rapacious Brabançons into his ſervice, by the proſpect of ſharing the ſpoils of England, and reaping the forfeitures of ſo many opulent barons, who had incurred the guilt of rebellion, by riſing in arms againſt him[m]. And he diſpatched a meſſenger to Rome, in order to lay before the Pope the great charter, which he had been compelled to ſign, and to complain, before that tribunal, of the violence, which had been impoſed upon him[n].

[i] M. Paris, p. 182. [k] M. Paris, p. 183. [l] Ibid.
[m] M. Paris, p. 183. Chron. Dunſt. vol. i. p. 72. Chron. Mailr. p. 188.
[n] M. Paris, p. 183. Chron. Dunſt. vol. i. p. 73.

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INNOCENT, conſidering himſelf as feudal lord of the kingdom, was incenſed at the temerity of the barons, who, though they pretended to appeal to his authority, had dared, without waiting for his conſent, to impoſe ſuch terms on a prince, who, by reſigning to the Roman pontiff his crown and independance, had placed himſelf immediately under the papal protection. He iſſued, therefore, a bull, in which, from the plenitude of his apoſtolic power, and from the authority, which God had committed to him, to build and deſtroy kingdoms, to plant and overthrow, he annulled and vacated the whole charter, as unjuſt in itſelf, as obtained by compulſion, and as derogatory to the dignity of the apoſtolic ſee. He prohibited the barons to exact the obſervance of it: He even prohibited the King himſelf to pay any regard to it: He abſolved him and his ſubjects from all oaths, which they had been conſtrained to take to that purpoſe: And he denounced a general ſentence of excommunication againſt every one, who ſhould perſevere in maintaining ſuch treaſonable and iniquitous pretenſions[o].

Renewal of the civil wars.

THE King, as his foreign forces arrived along with this bull, now ventured to take off the maſk; and, under ſanction of the Pope's decree, recalled all the liberties, which he had granted to his ſubjects, and which he had ſolemnly ſworn to obſerve. But the ſpiritual weapon was found upon trial to carry leſs force with it, than he had reaſon from his own experience to apprehend. The primate refuſed to obey the Pope in publiſhing the ſentence of excommunication againſt the barons; and though he was cited to Rome, that he might attend a general council, there aſſembled, and was ſuſpended, on account of his diſobedience to

[o] Rymer, vol. i. p. 203, 204, 205, 208. M. Paris, p. 184, 185, 187.

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the Pope, and his ſecret correſpondence with the King's enemies[p]: Though a new and particular ſentence of excommunication was denounced by name againſt the principal barons[q]; John ſtill found, that his nobility and people, and even his clergy, adhered to the defence of their liberties, and to their combination againſt him: The ſword of his foreign mercenaries was all he had to truſt to for the reſtoration of his authority.

THE barons, after obtaining the great charter, ſeem to have been lulled into a fatal ſecurity, and to have taken no rational meaſures, in caſe of the introduction of a foreign force, for re-aſſembling their armies. The King was from the firſt maſter of the field; and immediately laid ſiege to the caſtle of Rocheſter, which was obſtinately defended by William de Albiney, at the head of an hundred and forty knights with their retainers, and
30th Nov. was at laſt reduced by famine. John, irritated with the reſiſtance, intended to have hanged the governor and all the garriſon; but on the repreſentation of William de Mauleon, who ſuggeſted to him the danger of reprizals, he was contented to ſacrifice, in this barbarous manner, the inferior priſoners only[r]. The captivity of William de Albiney, the beſt officer among the confederated barons, was an irreparable loſs to their cauſe; and no regular oppoſition was thenceforth made to the progreſs of the royal arms. The ravenous and barbarous mercenaries, incited by a cruel and inraged prince, were let looſe againſt the eſtates, tenants, manors, houſes, parks of the barons, and ſpread devaſtation over the face of the kingdom. Nothing was ſeen but the flames of villages and caſtles reduced to aſhes, the conſternation and miſery of the inhabitants, tortures exerciſed by the ſoldiery

[p] M. Paris, p. 189.
[q] Rymer, vol. i. p. 211. M. Paris, p. 192.
[r] M. Paris, p. 187.

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to make them reveal their concealed treaſures[s], and reprizals no leſs barbarous, committed by the barons and their partizans on the royal demeſnes, and on the eſtates of ſuch as ſtill adhered to the crown[t]. The King marching through the whole extent of England, from Dover to Berwick, laid the provinces waſte on each ſide of him; and conſidered every eſtate, which was not his immediate property, as entirely hoſtile and the object of military execution. The nobility of the north in particular, who had ſhown greateſt violence in the recovery of their liberties, and who, acting in a ſeparate body, had expreſſed their diſcontent even at the conceſſions made by the great charter; as they could expect no mercy, fled before him with their wives and families, and purchaſed the friendſhip of Alexander, the young King of Scots, by doing homage to him[u].

Prince Lewis called over.

THE barons, reduced to this deſperate extremity, and menaced with the total loſs of their liberties, their properties, and their lives, employed a remedy no leſs deſperate; and making applications to the court of France, offered to acknowledge Lewis, the eldeſt ſon of Philip, for their ſovereign; on condition, that he afforded them protection from the violence of their enraged prince[x]. Though the ſenſe of the common rights of mankind, the only rights which are entirely indefeaſible, might have juſtified them in the depoſition of their King; they declined inſiſting before Philip, on a pretenſion, which is commonly ſo unfavourable among ſovereigns, and which ſounds harſhly in their royal ears. They affirmed, that John was incapable of ſucceeding to the crown, by reaſon of the attainder, paſſed upon

[s] Chron. de Mailr. p. 190. Ann. Waverl. p. 181. M. Weſt. p. 274, 275.
[t] M. Paris, p. 190. W. Heming. p. 558. [u] Chron. de Mailr. p. 190. Heming. p. 558. [x] M. Weſt. p. 274. Knyghton, p. 2423.

CHAP. XL. 1216.

him during his brother's reign; though that attainder had been reverſed, and Richard had even, by his laſt will, declared him his ſucceſſor. They pretended, that he was already legally depoſed by ſentence of the peers of France, on account of the murder of his nephew; though that ſentence could not poſſibly regard any thing but his tranſmarine dominions, which alone he held in vaſſalage to that crown. On more plauſible grounds, they affirmed, that he had already depoſed himſelf by doing homage to the Pope, changing the nature of his ſovereignty, and reſigning an independant crown for a fee under a foreign power. And as Blanche of Caſtile, the wife of Lewis, was deſcended by her mother from Henry II. they maintained, though many other princes ſtood before her in the order of ſucceſſion, that they had not ſhaken off the royal family in chooſing her huſband for their ſovereign.

PHILIP was extremely tempted to lay hold of the rich prize which was offered to him. The Pope's legate menaced him with interdicts and excommunications, if he invaded the patrimony of St. Peter, or attacked a prince, who was under the immediate protection of the holy ſee[y]; but as Philip was aſſured of the obedience of his own vaſſals, his principles were changed with the conjunctures of the times, and he now undervalued as much all papal cenſures, as he formerly pretended to pay reſpect to them. His chief ſcruple was with regard to the fidelity, which he might expect of the Engliſh barons in their new engagements, and the danger of entruſting his ſon and heir into the hands of men, who might, on any caprice or neceſſity, make peace with their native ſovereign, by ſacrificing a pledge of ſo much value. He therefore exacted from the barons

[y] M. Paris, p. 194. M. Weſt. p. 275.

twenty-

twenty-five hoſtages of the moſt noble birth in the kingdom[z]; and having obtained this ſecurity, he firſt ſent over a ſmall army to the relief of the confederates, and then more numerous forces, who arrived with Lewis himſelf at their head.

CHAP. XI. 1216.

THE firſt effect of the young prince's appearance in England was the deſertion of John's foreign troops, who, being moſtly levied in Flanders, and other provinces of France, refuſed to ſerve againſt the heir of their monarchy[a]. The Gaſcons and Poictevins alone, who were ſtill John's ſubjects, adhered to his cauſe; but they were too weak to maintain that ſuperiority in the field, which they had hitherto ſupported againſt the confederated barons. Many conſiderable noblemen deſerted John's party, the earls of Saliſbury, Arundel, Warrene, Oxford, Albemarle, and William Mareſchal the younger: His caſtles fell daily into the hands of the enemy: Dover was the only place, which, from the valour and fidelity of Hubert de Burgh, the governor, made reſiſtance to the progreſs of Lewis's arms[b]: And the barons had the melancholy proſpect of finally ſucceeding in their purpoſe, and of eſcaping the tyranny of their own King, by impoſing on themſelves and the nation a foreign yoke. But this union was of very ſhort duration between the French and Engliſh nobles; and the imprudence of Lewis, who on every occaſion ſhowed too viſible a preference to the former, encreaſed that jealouſy, which it was ſo natural for the latter to entertain in their preſent ſituation[c]. The viſcount of Melun, too, it is ſaid, one of his courtiers, fell ſick at London, and finding the approaches of death, he ſent for ſome of his friends among the Engliſh barons, and warning them of their danger, revealed

[z] M. Paris, p. 193. Chron. Dunſt. vol. i. p. 74.
[a] M. Paris, p. 195.
[b] M. Paris, p. 198. Chron. Dunſt. vol. i. p. 75, 76.
[c] W. Heming. p. 559.

Lewis's

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Lewis's ſecret intentions of exterminating them and their families as traitors to their prince, and beſtowing their eſtates and dignities on his native ſubjects, in whoſe fidelity he could more reaſonably place confidence[d]. This ſtory, whether true or falſe, was univerſally reported and believed; and concurring with other circumſtances, which rendered it credible, did an infinite prejudice to the cauſe of Lewis. The earl of Saliſbury and other noblemen deſerted again to John's party[e]; and as men eaſily change ſides in a civil war, eſpecially where their power is founded on an hereditary and independant authority, and is not derived from the opinion and favour of the people, the French prince had reaſon to dread a ſudden reverſe of fortune. The King was aſſembling a conſiderable army, with a view of fighting one great battle for his crown; but paſſing from Lynne to Lincolnſhire, his road lay along the ſea-ſhore, which was overflowed at high water; and not chooſing the proper time for his journey, he loſt in the inundation all his carriages, treaſure, baggage, and regalia. The affliction of this diſaſter, and vexation from the diſtracted ſtate of his affairs, encreaſed the ſickneſs, under which he then laboured; and though he reached the caſtle of Newark, he was obliged to halt there, and his diſtemper ſoon after put an end to his life, in the forty-ninth year of his reign; and freed the nation from the dangers, to which it was equally expoſed, by his ſucceſs or his misfortunes.

Death

and character of the King.

THE character of this prince is nothing but a complication of vices, equally mean and odious; ruinous to himſelf, and deſtructive to his people. Cowardice, inactivity, folly, levity, licentiouſneſs, ingratitude, treachery, tyranny, and cruelty; all theſe

[d] M. Paris, p. 199. M. Weſt. p. 277.

[e] Chron. Dunſt. vol. i. p. 78.

qualities

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qualities appear too evidently in the ſeveral inſtances of his life to give us room to ſuſpect, that the diſagreeable picture has been anywiſe overcharged, by the prejudices of the antient hiſtorians. It is hard to ſay, whether his conduct to his father, his brother, his nephew, or his ſubjects was moſt culpable; or whether his crimes in theſe reſpects were not even exceeded by the baſeneſs, which appeared in his tranſactions with the King of France, the Pope, and the barons. His dominions, when they devolved to him by the death of his brother, were more extenſive than have ever, ſince his time, been ruled by any Engliſh monarch: But he firſt loſt by his miſconduct the flouriſhing provinces in France, the antient patrimony of his family: He ſubjected his kingdom to a ſhameful vaſſalage under the ſee of Rome: He ſaw the prerogatives of his crown diminiſhed by law, and ſtill more reduced by faction: And he died at laſt, when in danger of being totally expelled by a foreign power, and of either ending his life miſerably in priſon, or ſeeking ſhelter as a fugitive from the purſuit of his enemies.

THE prejudices againſt this prince were ſo violent, that he was believed to have ſent an embaſſy to the Miramoulin or Emperor of Morocco, and to have offered to change his religion and become Mahometan, in order to purchaſe the protection of that monarch. But though that ſtory is told us, on plauſible authority, by Matthew Paris[f], it is in itſelf utterly improbable; except, that there is nothing ſo incredible as may not become likely from the folly and wickedneſs of John.

THE monks throw great reproaches on this prince for his impiety and even infidelity; and as an inſtance of it, they tell us,

[f] P. 169.

that

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that having, one day, caught a very fat ſtag, he exclaimed, *How plump and well fed is this animal! and yet I dare ſwear he never heard maſs*[g]. This ſally of wit, upon the uſual corpulency of the prieſts, more than all his enormous crimes and iniquities, made him paſs with them for an atheiſt.

JOHN left two legitimate ſons behind him, Henry, born on the firſt of October, 1207, and now nine years of age; and Richard, born on the ſixth of January, 1209; and three daughters, Jane married to Alexander King of Scots; Eleanor married firſt to William Mareſchal younger, earl of Pembroke, and then to Simon Mountfort, earl of Leiceſter; and Iſabella married to the Emperor, Frederic II. All theſe children were born to him by Iſabella of Angouleſme, his ſecond wife. His illegitimate children were numerous; but none of them were any wiſe diſtinguiſhed. It was this King, who, in the ninth year of his reign, firſt gave liberty by charter to the city of London, conferring on them the right of electing annually a mayor out of their own body, which was till now held for life. He gave the city alſo power to elect and remove their ſheriffs at pleaſure, and their common-council-men annually. London Bridge was finiſhed in this reign: The former bridge was of wood. Maud the Empreſs was the firſt that built a ſtone bridge in England.

So great was the ſuperſtition of England during this period, that from the Conqueſt to 1216, the ſpace of 150 years, five hundred and fifty religious houſes were founded, which are five-ſevenths of the whole that exiſted at their diſſolution[h].

[g] M. Paris, p. 170.

[h] Anderſon's Hiſtory of Commerce, vol. i. p. 108.

APPENDIX

APPENDIX II.

The FEUDAL and ANGLO-NORMAN GOVERNMENT and MANNERS.

Origin of the feudal law——Its progreſs——Feudal government of England——The feudal parliament—The commons——Judicial power——Revenue of the crown——Commerce—The Church——Civil Laws——Manners.

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THE feudal law is the chief foundation, both of the political government and of the juriſprudence, eſtabliſhed by the Normans in England. Our ſubject therefore requires, that we ſhould form a juſt idea of this law, in order to explain the ſtate, as well of that kingdom, as of all the other kingdoms of Europe, which, during thoſe ages, were governed by ſimilar inſtitutions. And though I am ſenſible, that I muſt here repeat many obſervations and reflections, which have been communicated by others [i]; yet, as every book, agreeably to the obſervation of a great hiſtorian [k], ſhould be as compleat as poſſible within itſelf, and ſhould never refer, for any thing material, to other books, it will be neceſſary, in this place, to deliver a ſhort plan of that prodigious fabric, which, for ſeveral centuries, preſerved ſuch a mixture of liberty and oppreſſion, order and anarchy, ſtability and revolution, as was never experienced in any other age or any other part of the world.

[i] L'Eſprit des loix. Dr. Robertſon's hiſtory of Scotland. Dalrymple of feudal Tenures.

[k] Padre Paolo Hiſt. Conc. Trid.

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Origin of the feudal law.

AFTER the northern nations ſubdued the provinces of the Roman empire, they were obliged to eſtabliſh a ſyſtem of government, which might ſecure their conqueſts, as well againſt the revolt of their numerous ſubjects, who remained in the provinces, as from the inroads of other tribes, who might be tempted to raviſh from them their new acquiſitions. The great change of circumſtances made them here depart from thoſe inſtitutions, which prevailed among them, while they remained in the foreſts in Germany; yet was it ſtill natural for them to retain, in their preſent ſettlement, as much of their antient cuſtoms as was compatible with their new ſituation.

THE German governments, being more a confederacy of independant warriors, than a civil ſubjection, derived their principal force from many inferior and voluntary aſſociations, which individuals formed under a particular head or chieftain, and which it became the higheſt point of honour to maintain with inviolable fidelity. The glory of the chieftain conſiſted in the number, the bravery, and the zealous attachment of his retainers: The duty of the retainers required that they ſhould accompany their chieftain in all wars and dangers, that they ſhould fight and periſh by his ſide, and that they ſhould eſteem his renown or his favour a ſufficient recompence for all their ſervices[1]. The prince himſelf was nothing but a great chieftain, who was choſen from among the reſt, on account of his ſuperior valour or nobility; and who derived his power from the voluntary aſſociation or attachment of the other chieftains.

WHEN a tribe, governed by thoſe ideas, and actuated by thoſe principles, ſubdued a large territory, they found, that

[1] Tacit. de Mor. Germ.

though

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though it was neceſſary to keep themſelves in a military poſture, they could neither remain united in a body, nor take up their quarters in ſeveral garriſons, and that their manners and inſtitutions debarred them from uſing thoſe expedients; the obvious ones, which, in a like ſituation, would have been employed by a civilized nation. Their ignorance in the art of finances, and perhaps the devaſtations inſeparable from ſuch violent conqueſts, rendered it impracticable for them to levy taxes ſufficient for the pay of numerous armies; and their repugnance to a ſlaviſh ſubordination, with their attachment to rural pleaſures, made the life of the camp or garriſon, if perpetuated during peaceful times, extremely odious and diſguſtful to them. They ſeized, therefore, ſuch a proportion of the conquered lands as appeared neceſſary; they aſſigned a ſhare for ſupporting the dignity of their prince and government; they diſtributed other parts, under the title of fiefs, to the chieftains; theſe made a new partition among their retainers; the expreſs condition of all theſe grants was, that they might be reſumed at pleaſure, and that the poſſeſſor, ſo long as he enjoyed them, ſhould ſtill remain in readineſs to take the field for the defence of the nation. And though the conquerors immediately ſeparated, in order to enjoy their new acquiſitions, their martial diſpoſition made them readily fulfil the terms of their engagement: They aſſembled on the firſt alarm; their habitual attachment to the chieftain made them willingly ſubmit to his command; and thus a regular military force, though concealed, lay always ready, to defend, on any emergence, the intereſt and honour of the community.

We are not to imagine, that all or even the greateſt part of the conquered lands was ſeized by the northern conquerors; or that the whole of the land thus ſeized was ſubjected to theſe mili-

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tary ſervices. This ſuppoſition is confuted by the hiſtory of all the nations on the continent. Even the idea given us of the German manners by the Roman hiſtorian, may convince us, that that bold people would never have been contented with ſo precarious a ſubſiſtence, or have fought to procure eſtabliſhments, which were only to continue during the good pleaſure of their ſovereign. Though the northern chieftains accepted of lands, which, being conſidered as a kind of military pay, might be reſumed at the will of the King or general; they alſo took poſſeſſion of eſtates, which, being hereditary and independant, enabled them to maintain their native liberty, and ſupport, without court-favour, the honour of their rank and family.

Progreſs of the feudal law.

BUT there is a great difference, in the conſequences, between the diſtribution of a pecuniary ſubſiſtence, and the aſſignment of lands burdened with the condition of military ſervice. The delivery of the former at the weekly, monthly, or annual terms of payment, ſtill recalls the idea of a voluntary gratuity from the prince, and reminds the ſoldier of the precarious tenure by which he holds his commiſſion. But the attachment naturally formed with a fixed portion of land, gradually begets the idea of ſomething like property, and makes the poſſeſſor forget his dependant ſituation, and the condition which was at firſt annexed to the grant. It ſeemed equitable, that one who had cultivated and ſowed a field, ſhould reap the harveſt: Hence fiefs, which were at firſt entirely precarious, were ſoon made annual. A man, who had employed his money in building, planting, or other improvements, expected to reap the fruits of his labour or expence: Hence they were next granted during a term of years. It would be thought hard to expel a man from his poſſeſſions, who had always done his duty, and performed the conditions on which

which he originally received them: Hence the chieftains, in a ſubſequent period, thought themſelves entitled to demand the enjoyment of their feudal lands during life. It was found, that a man would, in battle, hazard his life more willingly, if aſſured, that his family ſhould inherit his poſſeſſions, and ſhould not be expoſed by his death to want and poverty: Hence fiefs were made hereditary in families, and deſcended, during one age, to the ſon; then to the grandſon, next to the brothers, and afterwards to more diſtant relations[m]. The idea of property ſtole in gradually upon that of military pay; and each century made ſome ſenſible addition to the ſtability of fiefs and tenures.

In all theſe ſucceſſive acquiſitions, the chieftain was ſupported by his vaſſals; who, having originally a ſtrong connexion with him, augmented by the conſtant intercourſe of good offices, and by the friendſhips ariſing from neighbourhood and dependance, were inclined to follow their leader againſt all his enemies, and voluntarily, in his private quarrels, pay him the ſame obedience, to which by their tenure they were bound in foreign wars. While he daily advanced new pretenſions to ſecure the poſſeſſion of his ſuperior fief, they expected to find the ſame advantage in acquiring ſtability to their ſubordinate ones; and they zealouſly oppoſed the intruſion of a new lord, who would be inclined, as he was fully intitled, to beſtow the poſſeſſion of their lands on his own favourites and retainers. The authority of the ſovereign gradually decayed; and the nobles, fortified each in his own territory by the attachment of his vaſſals, became too powerful to be expelled by an order from the throne; and he ſecured by law what he had at firſt acquired by uſurpation.

[m] Lib. Feud. lib. 1. tit. 1.

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DURING this precarious ſtate of the ſupreme power, a difference would immediately be experienced between thoſe portions of territory which were ſubjected to the feudal tenures, and thoſe which were poſſeſſed by an allodial or free title. Though the latter poſſeſſions had at firſt been eſteemed infinitely preferable, they were ſoon found, by the progreſſive changes introduced into public and private law, to be of a much inferior condition to the former. The poſſeſſors of a feudal territory, united by a regular ſubordination under one chieftain, and by the mutual attachments of the vaſſals, had the ſame advantages over the proprietors of the other, which a diſciplined army enjoys over a diſperſed multitude; and were enabled to commit with impunity all injuries on their defenceleſs neighbours. Every one, therefore, haſtened to ſeek that protection which he found ſo neceſſary; and each allodial proprietor, reſigning his poſſeſſions into the hands of the King, or of ſome nobleman reſpected for power or valour, received them back with the condition of feudal ſervices[n], which, though a burden ſomewhat grievous, brought him ample compenſation, by connecting him with the neighbouring proprietors, and placing him under the guardianſhip of a potent chieftain. The decay of the political government thus neceſſarily occaſioned the extenſion of the feudal: The kingdoms of Europe were univerſally divided into baronies, and theſe into inferior fiefs: And the attachment of vaſſals to their chieftain, which was at firſt an eſſential part of the German manners, was ſtill ſupported by the ſame cauſes from which it at firſt aroſe; the neceſſity of mutual protection, and the continued intercourſe, between the head and the members, of benefits and ſervices.

BUT there was another circumſtance, which corroborated theſe feudal dependances, and tended to connect the vaſſals with their

[n] Marculf. Form. 47. apud Lindenbr. p. 1238.

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ſuperior lord by an indiſſoluble bond of union. The northern conquerors, as well as the more early Greeks and Romans, embraced a policy, which is unavoidable to all nations that have made ſlender advances in refinement; and they every where united the civil juriſdiction with the military power. Law, in its commencement, was not an intricate ſcience, and was more governed by maxims of equity, which ſeem obvious to common ſenſe, than by numerous and ſubtile principles, applied to a variety of caſes by profound reaſonings from analogy. An officer, though he had paſſed his life in the field, was able to determine all legal controverſies which could occur within the diſtrict committed to his charge; and his deciſions were the moſt likely to meet with a prompt and ready obedience, from men who reſpected his perſon, and were accuſtomed to act under his command. The profit ariſing from puniſhments, which were then chiefly pecuniary, was another reaſon for his deſiring to retain the judicial power; and when his fief became hereditary, this authority, which was eſſential to it, was alſo tranſmitted to his poſterity. The counts and other magiſtrates, whoſe power was merely official, were tempted, in imitation of the feudal lords, whom they reſembled in ſo many particulars, to render their dignity perpetual and hereditary; and in the decline of the regal power, they found no difficulty to make good their pretenſions. After this manner, the vaſt fabric of feudal ſubordination became quite ſolid and comprehenſive; it formed every where an eſſential part of the political conſtitution; and the Norman and other barons, who followed the fortunes of William, were ſo accuſtomed to it, that they could ſcarce form any idea of any other ſpecies of civil government [o].

[o] The ideas of the feudal government were ſo rooted, that even lawyers, in thoſe ages, could not form a notion of any other conſtitution. *Regnum*, (ſays Bracton, lib. 2. cap. 34.) *quod ex comitatibus & baronibus dicitur eſſe conſtitutum.*

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THE Saxons, who conquered England, as they exterminated the antient inhabitants, and were ſecured by the ſea againſt new invaders, found it leſs requiſite to maintain themſelves in a military poſture; and the quantity of land which they annexed to offices, ſeems to have been of ſmall value; and for that reaſon continued the longer in its original ſituation, and was always poſſeſſed during pleaſure by thoſe entruſted with the command. Theſe conditions were too precarious to ſatisfy the Norman chieftains, who enjoyed more independant poſſeſſions and juriſdictions in their own country; and William was obliged, in the new diſtribution of land, to copy the tenures, which were now become univerſal on the continent. England of a ſudden became a feudal kingdom[p]; and received all the advantages, and was expoſed to all the inconveniencies, incident to that ſpecies of civil polity.

The feudal government of England.

ACCORDING to the principles of the feudal law, the King was the ſupreme lord of the landed property; and all poſſeſſors, who enjoyed the fruits or revenue of any part of it, held thoſe privileges, either mediately or immediately, of him; and their property was conceived to be, in ſome degree, conditional[q]. The land was ſtill apprehended to be a ſpecies of *benefice*, which was the original conception of a feudal property; and the vaſſal owed, in return for it, ſtated ſervices to his baron, as the baron himſelf did for his land to the crown. The vaſſal was obliged to defend his baron in war; and the baron, at the head of his vaſſals, was bound to fight in defence of the King and kingdom. But beſides theſe military ſervices, which were caſual, there were others impoſed of a civil nature, which were more conſtant and perpetual.

[p] Coke Comm. on Lit. p. 1, 2. ad ſect. 1. Smith de Rep. lib. 3. cap. 10.

[q] Somner of Gavelk. p. 109.

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THE northern nations had no idea, that any man, trained up to honour, or enured to arms, was ever to be governed, without his own conſent, by the abſolute will of another; or that the adminiſtration of juſtice was ever to be exerciſed by the private opinion of any one magiſtrate, without the concurrence of ſome other perſons, whoſe intereſt might induce them to check his arbitrary and iniquitous deciſions. The King, therefore, when he found it neceſſary to demand any ſervices of his barons or chief tenants, beyond what was due by their tenures, was obliged to aſſemble them, in order to procure their *conſent*: And when it was neceſſary to determine any controverſy among the barons themſelves, the queſtion muſt be diſcuſſed in their preſence, and be decided according to their opinion or *advice*. In theſe two circumſtances of conſent and advice, conſiſted chiefly the civil ſervices of the ancient barons; and theſe implied all the conſiderable incidents of governments. In one view, the barons regarded this attendance as their principal *privilege*; in another, as a grievous *burden*. That no momentous affairs could be tranſacted without their conſent and advice, was in *general* eſteemed the great ſecurity of their poſſeſſions and dignities; but as they reaped no immediate profit from their attendance at court, and were expoſed to great inconvenience and charge by an abſence from their own eſtates, every one was glad to exempt himſelf from each *particular* exertion of this power; and was pleaſed both that the call for that duty ſhould ſeldom return upon him, and that others ſhould undergo the burden in his ſtead. The King, on the other hand, was uſually anxious, for ſeveral reaſons, that the aſſembly of the barons ſhould be full at every ſtated or caſual time of meeting: This attendance was the chief badge of their ſubordination to his crown, and drew them from that independance which they were

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apt to affect in their own caſtles and manors; and where the meeting was thin or ill attended, its determinations had leſs authority, and were not followed by ſo ready an obedience from the whole community.

THE caſe was the ſame with the barons in their courts as with the King in the ſupreme council of the nation. It was requiſite to aſſemble the vaſſals, in order to determine by their vote any queſtion which regarded the barony; and they ſat along with the chieftain in all trials, whether civil or criminal, which occurred within the limits of their juriſdiction. They were bound to pay ſuit and ſervice at the court of their baron; and as their tenure was military, and conſequently honourable, they were admitted into his ſociety, and partook of his friendſhip. Thus, a kingdom was only conſidered as a great barony, and a barony as a ſmall kingdom. The barons were peers to each other in the national council, and, in ſome degree, companions to the King: The vaſſals were peers to each other in the court of barony, and companions to their baron[r].

BUT though this reſemblance ſo far took place, the vaſſals, by the natural courſe of things, univerſally, in the feudal conſtitutions, fell into a greater ſubordination under the baron, than the baron himſelf under his ſovereign; and theſe governments had a neceſſary and infallible tendency to augment the power of the nobles. The great chieftain, reſiding in his country-ſeat or caſtle, which he was commonly allowed to fortify, loſt, in a great meaſure, his connexion or acquaintance with the prince; and added every day new force to his authority over the vaſſals of the

[r] Du Cange Gloſſ. in verb. *Par.* Cujac. Commun. in Lib. Feud. lib. 1. tit. p. 18. Spelm. Gloſſ. in verb.

barony. They received from him education in all military exerciſes: His hoſpitality invited them to live and enjoy ſociety in his hall: Their leiſure, which was great, made them perpetual retainers on his perſon, and partakers of his country ſports and amuſements: They had no means of gratifying their ambition but by making a figure in his train: His favour and countenance was their greateſt honour: His diſpleaſure expoſed them to contempt and ignominy: And they felt every moment the neceſſity of his protection, both in the controverſies which occurred with other vaſſals, and what was more material, in the daily inroads and injuries which were committed by the neighbouring barons. During the time of general war, the ſovereign, who marched at the head of his armies, and was the great protector of the ſtate, acquired always ſome acceſſion to his authority, which he loſt during the intervals of peace and tranquillity: But the looſe police incident to the feudal conſtitutions, maintained a perpetual, though ſecret hoſtility, between the ſeveral members of the ſtate; and the vaſſals found no other means of ſecurity againſt the injuries to which they were continually expoſed, but by cloſely adhering to their chieftain, and falling into a ſubmiſſive dependance upon him.

If the feudal government was ſo little favourable to the true liberty even of the military vaſſal, it was ſtill more deſtructive of the independance and ſecurity of the other members of the ſtate, or what in a proper ſenſe we call the people. A great part of them were *ſerfs*, and lived in a ſtate of abſolute ſlavery or villainage: The other inhabitants of the country paid their rent in ſervices which were in a great meaſure arbitrary, and they could expect no redreſs of injuries in a court of barony from men who thought they had a right to oppreſs and tyran-

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nize over them: The towns were ſituated either within the demeſnes of the King, or the lands of the great barons, and were almoſt entirely ſubjected to the abſolute will of their maſter. The languiſhing ſtate of commerce kept the inhabitants poor and contemptible; and the political inſtitutions were calculated to render that poverty perpetual. The barons and gentry, living in ruſtic plenty and hoſpitality, gave no encouragement to the arts, and had no demand for any of the more elaborate produce of manufactures[a]: Every profeſſion was held in contempt but that of arms: And if any merchant or manufacturer roſe by induſtry and frugality to a degree of opulence, he found himſelf but the more expoſed to injuries, from the envy and avidity of the military nobles.

THESE concurring cauſes gave the feudal governments ſo ſtrong a bias towards ariſtocracy, that the royal authority was extremely eclipſed in all the European ſtates; and, inſtead of dreading the growth of monarchical power, we might rather expect, that the community would every where crumble into ſo many independant baronies, and loſe the political union by which they were cemented. In elective monarchies, the event was commonly anſwerable to this expectation; and the barons, gaining ground on every vacancy of the throne, raiſed themſelves almoſt to a ſtate of ſovereignty, and ſacrificed to their power both the rights of the crown and the liberties of the people. But hereditary monarchies had a principle of autho-

[a] Cambden gives an inſtance of the homely manners of this age, from the tenure of certain lands held of William the Conqueror by William de Aileſbury, who was obliged to find litter for the King's bedchamber, whenever he ſhould come thither. There is mention of a like charter in the reign of Edward II. See Anderſon's Hiſtory of Commerce, p. 112.

rity,

rity, which was not ſo eaſily ſubverted; and there were ſeveral cauſes, which ſtill maintained a degree of influence in the hands of the ſovereign. Appendix II.

THE greateſt baron could never loſe view entirely of thoſe principles of the feudal conſtitution, which bound him, as a vaſſal, to ſubmiſſion and fidelity towards his prince; becauſe he was every moment obliged to have recourſe to thoſe principles, in exacting fidelity and ſubmiſſion from his own vaſſals. The leſſer barons, finding that the annihilation of royal authority left them expoſed without protection to the inſults and injuries of more potent neighbours, naturally adhered to the crown, and promoted the execution of general and equal laws. The people had ſtill a ſtronger intereſt to deſire the grandeur of the ſovereign; and the King, being the legal magiſtrate, who ſuffered by every internal convulſion or oppreſſion, and who regarded the great nobles as his immediate rivals, aſſumed the ſalutary office of general guardian or protector of the commons. Beſides the prerogatives with which the law endowed him; his large demeſnes and numerous retainers rendered him, in one ſenſe, the greateſt baron of his kingdom; and where he was poſſeſſed of perſonal vigour and ability (for his ſituation required theſe advantages) he was commonly able to preſerve his authority, and maintain his ſtation as head of the community, and the chief fountain of law and juſtice.

THE firſt Kings of the Norman race were favoured by another circumſtance, which preſerved them from the encroachments of their barons. They were generals of a conquering army, which was obliged to continue in a military poſture, and to maintain great ſubordination under their leader, in order to ſecure themſelves

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ſelves from the revolt of the numerous natives, whom they had bereaved of all their properties and privileges. But though this circumſtance ſupported the authority of William and his immediate ſucceſſors, and rendered them extremely abſolute, it was loſt as ſoon as the Norman barons began to coaleſce with the nation, to acquire a ſecurity in their poſſeſſions, and to fix their influence over their vaſſals, tenants, and ſlaves. And the immenſe fortunes, which the Conqueror had beſtowed on his chief captains, ſerved to ſupport their independancy, and make them formidable to the ſovereign.

He gave, for inſtance, to Hugh de Abrincis, his ſiſter's ſon, the whole county of Cheſter, which he erected into a palatinate, and rendered by his grant almoſt independant of the crown[t]. Robert earl of Mortaigne had 973 manors and lordſhips: Allan earl of Brittany and Richmond, 442: Odo, biſhop of Baieux, 439[u]: Geoffrey, biſhop of Coutance, 280[x]: Walter Giffard, earl of Buckingham, 107[y]: William, earl Warrenne, 298, beſides 28 towns or hamlets in Yorkſhire[z]: Todenei, 81[a]: Roger Bigod, 123[b]: Robert, earl of Ewe, 119[c]: Roger Mortimer, 132, beſides ſeveral hamlets[d]: Robert de Stafford, 130[e]: Walter de Eurus, earl of Saliſbury, 46[f]: Geoffrey de Mandeville, 118[g]: Richard de Clare, 171[h]: Hugh de Beauchamp, 47[i]: Baldwin de Ridvers, 164[k]: Henry de Ferrers, 222[l]: William de Percy,

[t] Cambd. in Cheſh. Spel. Gloſſ. in verb. *Comes Palatinus.*
[u] Brady's Hiſt. p. 198, 200.
[x] Order. Vital.
[y] Dugd. Bar. vol. i. p. 60. from Domeſday-book.
[z] Id. p. 74.
[a] Id. p. 111, 112.
[b] Id. p. 132.
[c] Id. p. 136.
[d] Id. p. 138.
[e] Id. p. 156.
[f] Id. p. 174.
[g] Dugd. Bar. vol. i. p. 200. from Domeſday-book.
[h] Id. p. 207.
[i] Id. p. 223.
[k] Id. p. 254.
[l] Id. p. 257.

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119[m]. Norman d'Arcy, 33[n]. Sir Henry Spelman computes, that in the large county of Norfolk, there were not, in the Conqueror's time, above ſixty-ſix proprietors of land[o]. Men, poſſeſſed of ſuch princely revenues and juriſdictions, could not long be retained in the rank of ſubjects. The great earl Warrenne, in a ſubſequent reign, when he was queſtioned concerning his right to the lands which he poſſeſſed, drew his ſword, which he produced as his title; adding that William the Baſtard did not conquer the kingdom himſelf; but that the barons, and his anceſtor among the reſt, were joint adventurers in the enterprize[p].

The feudal Parliament.

THE ſupreme legiſlative power of England was lodged in the King and great council, or what was afterwards called the parliament. It is not doubted but the archbiſhops, biſhops, and moſt conſiderable abbots were conſtituent members of this council. They ſat by a double title: By preſcription, as having always poſſeſſed that privilege, through the whole Saxon period, from the firſt eſtabliſhment of Chriſtianity; and by their right of baronage, as holding of the King *in capite* by military ſervice. Theſe two titles of the prelates were never accurately diſtinguiſhed. When the uſurpations of the church had riſen to ſuch a height, as to make the biſhops affect a ſeparate dominion, and regard their ſeat in parliament as a degradation of their epiſcopal dignity; the King inſiſted, that they were barons, and on that account, obliged, by the general principles of the

[m] Dugd. Bar. vol. i. p. 269. from Domeſday-book.

[n] Id. p. 369. It is remarkable that this family of d'Arcy, ſeems to be the only male deſcendants of any of the Conqueror's barons now remaining among the peers. Lord Holderneſſe is the heir of that amily.

[o] Spel. Gloſſ. in verb. *Domeſday*.

[p] Dug. Bar. vol. i. p. 79. Id. Origenes Juridiciales, p. 13.

feudal

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feudal law, to attend on him in his great councils[1]. Yet there ſtill remained ſome practices, which ſuppoſed their title to be derived merely from antient poſſeſſion: When a biſhop was elected, he ſat in parliament before the King had made him reſtitution of his temporalities; and during the vacancy of a ſee, the guardian of the ſpiritualities was ſummoned to attend along with the biſhops.

THE barons were another conſtituent part of the great council of the nation. Theſe held immediately of the crown by a military tenure: They were the moſt honourable members of the ſtate, and had a *right* to be conſulted in all public deliberations: They were the immediate vaſſals of the crown, and owed as a *ſervice* their attendance in the court of their ſupreme lord. A reſolution, taken, without their conſent, was likely to be but ill executed: And no determination of any cauſe or controverſy among them had any validity, where the vote and advice of the whole body did not concur. The dignity of earl or count was official and territorial, as well as hereditary; and as all the earls were alſo barons, they were conſidered as military vaſſals of the crown, were admitted in that capacity into the general council, and formed the moſt honourable and powerful branch of it.

BUT there was another claſs of the immediate military tenants of the crown, equally numerous with the barons, the tenants *in capite* by knights ſervice; and theſe, however inferior in power or property, held by a tenure, which was equally honourable as that of the others. A barony was commonly compoſed of ſeveral knights fees: And though the number ſeems not to

[1] Spel. Gloſſ. in verb. *Baro.*

have

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have been exactly defined, ſeldom conſiſted of leſs than forty hydes of land[r]: But where a man held of the King only one or two knights fees, he was ſtill an immediate vaſſal of the King, and as ſuch had a title to have a ſeat in the general councils. But as this attendance was uſually eſteemed a burthen, and one too great for a man of ſlender fortune to bear conſtantly; it is probable, that though he had a title, if he pleaſed, to be admitted, he was not obliged, by any penalty, like the barons, to pay a regular attendance. All the immediate military tenants of the crown amounted not fully to 700, when Domeſday-book was framed; and as the members were well pleaſed, on any pretext, to excuſe themſelves from attendance, the aſſembly was never likely on any occaſion to become too numerous for the diſpatch of public buſineſs.

The Commons.

So far the nature of a general council or antient parliament is determined without any doubt or controverſy. The only queſtion ſeems to be with regard to the commons, or the repreſentatives of counties and boroughs; whether they were alſo, in more early times, conſtituent parts of parliament? This queſtion was once diſputed in England with great acrimony; but ſuch is the force of time and evidence, that they can ſometimes prevail even over faction, and the queſtion ſeems, by general conſent, and even by their own, to be at laſt determined againſt the ruling party. It is agreed that the commons were no part of the great council, till ſome ages after the conqueſt; and that the military tenants alone of the crown compoſed that ſupreme and legiſlative aſſembly.

[r] Four hydes made one knight's fee: The relief of a barony was twelve times greater than that of a knight's fee; whence we may conjecture its value. Spelm. Gloſſ. in verb. *Feodum.*

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THE vaſſals of a baron were by their tenure immediately dependant on him, owed attendance at his court, and paid all their duty to the King, through that dependance which their lord was obliged by *his* tenure to acknowledge to his ſovereign and ſuperior. Their land, comprehended in the barony, was repreſented in parliament by the baron himſelf, who was ſuppoſed, according to the fictions of the feudal law, to poſſeſs the direct property of it; and it would have been deemed incongruous to give it any other repreſentation. They ſtood in the ſame capacity to him, that he and the other barons did to the King: The former were peers of the barony; the latter were peers of the realm: The vaſſals poſſeſſed a ſubordinate rank within their diſtrict; the baron enjoyed a ſupreme dignity in the great aſſembly: They were in ſome degree his companions at home; he the King's companion in the court: And nothing can be more evidently repugnant to all feudal ideas, and to that gradual ſubordination, which was eſſential to thoſe antient inſtitutions, than to imagine that the King would apply either for the advice or conſent of men, who were of a rank or order ſo much inferior, and whoſe duty was immediately paid to the *meſne* lord, that was interpoſed between them and the throne [r].

IF it be unreaſonable to think, that the vaſſals of a barony, though their tenure was military and noble and honourable, were ever ſummoned to give their opinion in national councils; much leſs can it be ſuppoſed, that the tradeſmen or inhabitants of boroughs, whoſe condition was ſtill ſo much inferior, would be admitted to that privilege. It appears from Domeſday, that the boroughs were, at the time of the conqueſt, ſcarce more than country villages; and that the inhabitants lived in entire depen-

[r] Spelm. Gloſſ. in verb. *Baro*.

dance

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dance on the King or great lords, and were of a ſtation little better than ſervile[s]. They were not then ſo much as incorporated; they formed no community; were not regarded as a body politic; and being really nothing but a number of low dependant tradeſmen, living, without any particular civil tie, in neighbourhood together, were incapable of being repreſented in the ſtates of the kingdom. Even in France, a country, which made more early advances in arts and civility than England, the firſt corporation is ſixty years poſterior to the conqueſt under the duke of Normandy; and the erecting theſe communities was an invention of Lewis the Groſs to free the people from ſlavery under the lords, and to give them protection, by means of certain privileges and a ſeparate juriſdiction[t]. An antient French author calls them a new and wicked device, to procure liberty to ſlaves, and encourage them in ſhaking off the dominion of their maſters[u]. The famous charter, as it is called, of the Conqueror to the city of London, though granted at a time when he aſſumed the appearance of gentleneſs and lenity, is nothing but a letter of protection, and a declaration that the citizens ſhould not be treated as ſlaves[x]. By the Engliſh feudal law, the ſuperior lord was prohibited to marry his female ward to a burgeſs or a villain[y]; ſo near were theſe two ranks eſteemed to each other, and ſo much inferior to the nobility and gentry. Beſides poſſeſſing the advantages of birth, riches, civil powers and privileges; the nobles and gentlemen alone were armed; a circumſtance, which gave them a mighty ſuperiority, in an age when nothing but the military profeſſion was honourable, and when the looſe execution

[s] *Liber homo* antiently ſignified a gentleman: For ſcarce any one beſide was entirely free. Spelm. Gloſſ. in verbo.

[t] Du Cange's Gloſſ. in verb. *commune, communitas.*

[u] Guibertus de vita ſua, lib. 3. cap. 7.

[x] Stat. of Merton, 1235, cap. 6.

[y] Holingſhed, vol. iii. p. 15.

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of laws gave ſo much encouragement to open violence, and rendered it ſo deciſive in all diſputes and controverſies [a].

THE great ſimilarity among all the feudal governments of Europe is well known to every man, that has any acquaintance with antient hiſtory; and the antiquarians of all foreign countries, where the queſtion was never embarraſſed by party diſputes, have allowed, that the commons were very late in being admitted to a ſhare in the legiſlative power. In Normandy particularly, whoſe conſtitution was moſt likely to be William's model in raiſing his new fabric of the Engliſh government, the ſtates were entirely compoſed of the clergy and nobility; and the firſt incorporated boroughs or communities of that dutchy were Roüen and Falaiſe, which enjoyed their privileges by a grant of Philip Auguſtus in the year 1207 [b]. All the antient Engliſh hiſtorians, when they mention the great council of the nation, call it an aſſembly of the baronage, nobility or great men; and none of their expreſſions, though ſeveral hundred paſſages might be produced, can, without the utmoſt violence, be tortured to a meaning, which will admit the commons to be conſtituent members of that body [c]. The *magna charta* of King John provides, that no tax or ſcutage ſhould be impoſed but by the conſent of the great council; and for more ſecurity, it enumerates the perſons intitled to a ſeat in that council, the prelates and immediate tenants of the crown, without any mention of the commons:

[a] Madox's Baron. Angl. p. 19.

[b] Norman. Du Cheſnii, p. 1066. Du Cange Gloſſ. in verb. *commune*.

[c] Sometimes the hiſtorians mention the people, *populus*, as a part of the parliament: But they always mean the laity, in oppoſition to the clergy. Sometimes, the word, *communitas*, is found; but it always means *communitas baronagii*. Theſe points are clearly proved by Dr. Brady.

An authority ſo full, certain and explicite, that nothing but the zeal of party could ever have procured credit to any contrary ſyſtem.

It was probably the example of the French barons which firſt emboldened the Engliſh to require greater independance from their ſovereign: It is alſo probable, that the boroughs and corporations of England were eſtabliſhed in imitation of thoſe of France. It may, therefore, be propoſed, as no unlikely conjecture, that both the privileges of the peers and the liberty of the commons were originally the growth of that country.

In antient times, men were very little ſolicitous to obtain a place in the legiſlative aſſemblies; and rather regarded their attendance as a burden, which was not compenſated by any return of profit or honour, proportioned to the trouble and expence. The only reaſon of inſtituting thoſe public councils, was; on the part of the ſubject, that they deſired ſome ſecurity from the attempts of arbitrary power; and on the part of the ſovereign, that he deſpaired of governing men of ſuch independant ſpirits without their own conſent and concurrence. But the commons, or the inhabitants of boroughs, had not as yet reached ſuch a degree of conſideration, as to deſire *ſecurity* againſt their prince, or to imagine, that, even if they were aſſembled in a repreſentative body, they had power or rank ſufficient to enforce it. The only protection, which they aſpired to, was againſt the immediate violence and injuſtice of their fellow-citizens; and this advantage each of them looked for, from the courts of juſtice, or from the authority of ſome great lord, to whom, by law or his own choice, he was attached. On the other hand, the ſovereign

was

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was ſufficiently aſſured of obedience in the whole community, if he procured the concurrence of the nobles; nor had he reaſon to apprehend, that any order of the ſtate could reſiſt his and their united authority. The military ſub-vaſſals could entertain no idea of oppoſing both their prince and their ſuperiors: The burgeſſes and tradeſmen could much leſs aſpire to ſuch a thought: And thus, even if hiſtory were ſilent on that head, we have reaſon to conclude, from the known ſituation of mankind during thoſe ages, that the commons were never admitted as members of the legiſlative body.

THE *executive* power of the Anglo-Norman government was lodged in the King; and beſides the ſtated meetings of the national council at the three great feſtivals of Chriſtmas, Eaſter, and Whitſuntide[d], he was accuſtomed, on any ſudden exigence, to ſummon them together. He could at his pleaſure command the attendance of his barons and their vaſſals, in which conſiſted the military force of the kingdom; and could employ them, during forty days, either in reſiſting a foreign enemy, or reducing his rebellious ſubjects. And what was of great importance, the whole *judicial* power was ultimately in his hands, and was exerciſed by officers and miniſters of his appointment.

Judicial power.

THE general plan of the Anglo-Norman government was, that the court of barony was appointed to decide ſuch controverſies as aroſe between the ſeveral vaſſals or ſubjects of the ſame barony; the hundred-court and county-court, which were ſtill continued as during the Saxon times[e], to judge between the ſubjects of

[d] Dugd. Orig. Jurid. p. 15. Spelm. Gloſſ. in verbo *parliamentum*.

[e] Ang. Sacra, vol. i. p. 334, &c. Dugd. Orig. Jurid. p. 27. 29. Madox Hiſt. of Exch. p. 75, 76. Spelm. Gloſſ. in verbo *hundred*.

different

different baronies[f]; and the *curia Regis* or King's court, to give ſentence among the barons themſelves[g]. But this plan, though ſimple, was attended with ſome circumſtances, which, being derived from a very extenſive authority, aſſumed by the Conqueror, contributed to the encreaſe of the royal prerogative; and while the ſtate was not diſturbed by arms, reduced every order of the community to ſome degree of dependance and ſubordination.

THE King himſelf often ſat in his court, which always attended his perſon[h]: He there heard cauſes and pronounced ſentence[i], and though he was aſſiſted by the advice of the other members, it is not to be imagined that a deciſion could eaſily be obtained contrary to his inclination or opinion. In his abſence the chief juſticiary preſided, who was the firſt magiſtrate in the ſtate, and a kind of vice-roy, on whom depended all the civil affairs of the kingdom[k]. The other chief officers of the crown, the conſtable, mareſchal, ſeneſchal, chamberlain, treaſurer, and chancellor[l], were members, together with ſuch feudal barons as thought pro-

f None of the feudal governments in Europe had ſuch inſtitutions as the county courts, which the great authority of the Conqueror ſtill retained from the Saxon cuſtoms. All the freeholders of the county, even the greateſt barons, were obliged to attend the ſheriffs in theſe courts, and to aſſiſt him in the adminiſtration of juſtice. By this means, they received frequent and ſenſible admonitions of their dependance on the King or ſupreme magiſtrate: They formed a kind of community with their fellow barons and freeholders: They were often drawn from their individual and independant ſtate, peculiar to the feudal ſyſtem; and were made members of a political body: And perhaps, this inſtitution of county-courts in England has had greater effects on the government, than has yet been diſtinctly pointed out by hiſtorians or traced by antiquaries. The barons were never able to free themſelves from this attendance on the ſheriffs and itinerant juſtices till the reign of Henry III.

g Brady Pref. 143.

h Madox Hiſt. of Exch. p. 103.

i Bracton, lib. 3. cap. 9. § 1. cap. 10. § 1.

k Spelm. Gloſſ. in verb. *juſticiaries*.

l Madox Hiſt. Exch. p. 27. 29. 33. 38. 41. 54. The Normans introduced the practice of ſealing charters; and the chancellor's office was to keep the Great Seal. *Ingulph. Dugd.* p. 33, 34.

per

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per to attend, and the barons of the Exchequer, who at firſt were alſo feudal barons, appointed by the King [m]. This court, which was ſometimes called the King's court, ſometimes the court of Exchequer, judged in all cauſes, civil and criminal, and comprehended the whole buſineſs, which is now ſhared out among four courts, the Chancery, the King's Bench, the Common Pleas, and the Exchequer [n].

SUCH an accumulation of powers was itſelf a great ſource of authority, and rendered the juriſdiction of the court terrible to all the ſubjects; but the turn, which judicial trials took ſoon after the Conqueſt, ſerved ſtill more to encreaſe its authority, and to augment the royal prerogatives. William, among the other violent changes, which he attempted and effected, had introduced the Norman law into England [o], had ordered all pleadings to be in that tongue, and had interwoven with the Engliſh juriſprudence, all the maxims and principles, which the Normans, more advanced in cultivation, and naturally litigious, were accuſtomed to obſerve in the diſtribution of juſtice. Law now became a ſcience, which at firſt fell entirely into the hands of the Normans; and which, even after it was communicated to the Engliſh, required ſo much ſtudy and application, that the laity, in thoſe ignorant ages, were incapable of attaining it, and it was a myſtery almoſt ſolely confined to the clergy, and chiefly to the monks [p]. The great officers of the crown and the feudal barons, who were military men, found themſelves unfit to penetrate into thoſe obſcurities; and though they were intitled to a ſeat in the

[m] Madox Hiſt. of the Exch. p. 134, 135. Gerv. Dorob. p. 1387.

[n] Madox Hiſt. of the Exch. p. 56. 70. [o] Dial. de Scac. p. 30. apud Madox Hiſt. of the Exchequer. [p] Malmeſ. lib. 4. p. 123.

ſupreme

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ſupreme judicature, the buſineſs of the court was wholly managed by the chief juſticiary and the law barons, who were men appointed by the King, and entirely at his diſpoſal[q]. This natural courſe of things was forwarded by the multiplicity of buſineſs, which flowed into that court, and which daily augmented by the appeals from all the ſubordinate judicatures of the kingdom.

In the Saxon times, no appeal was received in the King's court, except upon the denial or delay of juſtice by the inferior courts; and the ſame practice was ſtill obſerved in moſt of the feudal kingdoms of Europe. But the great power of the Conqueror eſtabliſhed at firſt in England an authority, which the monarchs in France were not able to attain till the reign of St. Lewis, who lived near two centuries after: He empowered his court to receive appeals both from the courts of barony and the county-courts, and by that means brought the adminiſtration of juſtice ultimately into the hands of the ſovereign[r]. And leſt the expence or trouble of a journey to court ſhould diſcourage ſuitors, and make them acquieſce in the deciſion of the inferior judicatures, itinerant judges were afterwards eſtabliſhed, who made their circuits through the kingdom, and tried all cauſes, that were brought before them[s]. By this expedient, the courts of barony were kept in awe, and if they ſtill preſerved ſome influence, it was only from the apprehenſions which the vaſſals might

[q] Dugd. Orig. Jurid. p. 25.

[r] Madox Hiſt. of the Exch. p. 65. Glanv. lib. 12. cap. 1, 7. LL. Hen. I. § 31. apud Wilkins, p. 248. Fitz-Stephens, p. 36. Coke's Comment. on the Statute of Marlbridge, cap. 20.

[s] Madox Hiſt. of the Exch. p. 83, 84, 100. Gerv. Dorob. p. 1410. What made the Anglo-Norman barons more readily ſubmit to appeals from their court to the King's court of Exchequer, was, their being accuſtomed to like appeals in Normandy to the ducal court of Exchequer. See Gilbert's Hiſtory of the Exchequer, p. 1, 2.; though the author thinks it doubtful, whether the Norman court was not rather copied from the Engliſh, p. 6.

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entertain of diſobliging their ſuperior, by appealing from his court. But the county-courts were much diſcredited; and as the freeholders were found ignorant of the intricate principles and forms of the new law, the lawyers gradually brought all buſineſs before the King's judges, and abandoned the antient ſimple and popular judicature. After this manner, the formalities of juſtice, which, though they appear tedious and cumberſome, are found requiſite to the ſupport of liberty in all monarchical governments, proved at firſt, by a combination of cauſes, very advantageous to the royal authority in England.

Revenue of the crown.

THE power of the Norman Kings was alſo much ſupported by a great revenue; and by a revenue, that was fixed, perpetual, and independant of the ſubject. The people, without betaking themſelves to arms, had no check upon the King, and no regular ſecurity for the due diſtribution of juſtice. In thoſe days of violence, many inſtances of oppreſſion paſſed unheeded; and were ſoon after openly pleaded as precedents, which it was unlawful to diſpute or controul. Princes and miniſters were too ignorant to be themſelves ſenſible of the advantages attending an equitable adminiſtration; and there was no eſtabliſhed council or aſſembly which could protect the people, and, by withdrawing ſupplies, regularly and peaceably admoniſh the King of his duty, and enſure the execution of the laws.

THE firſt branch of the King's ſtated revenue was the royal demeſnes or crown-lands, which were very extenſive, and comprehended, beſide a great number of manors, moſt of the chief cities of the kingdom. It was eſtabliſhed by law, that the King could alienate no part of his demeſne, and that he himſelf, or his

his ſucceſſor, could, at any time, reſume ſuch donations[t]: But this law was never regularly obſerved; which happily rendered in time the crown ſomewhat more dependant. The rent of the crown-lands, conſidered merely as ſo much riches, was a ſource of power: The influence of the King over his tenants and the inhabitants of his towns, increaſed this power: But the other numerous branches of his revenue, beſides ſupplying his treaſury, gave, by their very nature, a great latitude to arbitrary authority, and were a ſupport of the prerogative; as will appear from an enumeration of them.

THE King was never content with the ſtated rents, but levied heavy tailliages at pleaſure on the inhabitants both of town and country, who lived within his demeſne. All bargains of ſale, in order to prevent theft, being prohibited, except in boroughs and public markets[u], he pretended to exact tolls on all goods which were there ſold[x]. He ſeized two hogſheads, one before and one behind the maſt, from every veſſel that imported wine. All goods paid to his cuſtoms a proportional part of their value[y]: Paſſage over bridges and on rivers was loaded with tolls at pleaſure[z]: And though the boroughs by degrees bought the liberty of farming theſe impoſitions, yet the revenue profited by theſe bargains, new ſums were often exacted for the renewal and confirmation of the privileges[a], and the people were thus held in perpetual dependance.

[t] Fleta, lib. 1. cap. 8, 17. lib. 3. cap. 6. § 3. Bracton, lib. 2. cap. 5.
[u] LL. Will. 1. cap. 61.
[x] Madox, p. 530.
[y] Madox, p. 529. This author ſays a fifteenth. But it is not eaſy to reconcile this account to other authorities.
[z] Madox, p. 529.
[a] Madox's Hiſt. of the Exch. p. 275, 276, 277, &c.

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SUCH was the ſituation of the inhabitants within the royal demeſnes. But the poſſeſſors of land, or the military tenants, though they were better protected, both by law, and by the great privilege of carrying arms, were, from the nature of their tenures, much expoſed to the inroads of power, and poſſeſſed not what we ſhould eſteem in our age a very durable ſecurity. The Conqueror granted by his laws, that the barons ſhould be obliged to pay nothing beyond their ſtated ſervices [b], except a reaſonable aid to ranſom his perſon if he were taken in war, to make his eldeſt ſon a knight, and to marry his eldeſt daughter. What ſhould, on theſe occaſions, be deemed a reaſonable aid, was not determined; and the demands of the crown were ſo far diſcretionary.

THE King could require in war the perſonal attendance of his vaſſals, that is, of all the landed proprietors; and if they declined the ſervice, they were obliged to pay him a compoſition in money, which was called a ſcutage. The ſum was, during ſome reigns, very precarious and uncertain; it was ſometimes levied without allowing the vaſſal the liberty of perſonal ſervice [c]; and it was an uſual artifice of the King to pretend an expedition, that he might be intitled to levy the ſcutage from his military tenants. Danegelt was another ſpecies of land-tax levied by the early Norman kings, arbitrarily, and contrary to the laws of the Conqueror [d]. Moneyage was alſo a general land-tax of the ſame nature, levied by the two firſt Norman kings, and aboliſhed by the charter of Henry I. [e] It was a ſhilling paid every three years by each hearth, to induce the King not to uſe his preroga-

[b] LL. Will. Conq. § 55.
[c] Gervaſe de Tilbury, p. 25.
[d] Madox's Hiſt. of the Exch. p. 475.
[e] Matth. Paris, p. 38.

tive

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tive of debaſing the coin. Indeed, it appears from that charter, that, though the Conqueror had granted his military tenants an immunity from all taxes and tailliages, he and his ſon William had never thought themſelves bound to obſerve that rule, but had levied impoſitions at pleaſure on all the landed eſtates of the kingdom. The utmoſt that Henry grants, is, that the land cultivated by the military tenant himſelf ſhall not be ſo burdened; but he reſerves the power of taxing the farmers: And as it is known, that Henry's charter was never obſerved in any one article, we may be aſſured, that this prince and his ſucceſſors retracted even this ſmall indulgence, and levied arbitrary impoſitions on all the lands of all their ſubjects. Theſe taxes were ſometimes very heavy; ſince Malmeſbury tells us, that, in the reign of William Rufus, the farmers, on account of them, abandoned tillage, and a famine enſued [f].

THE eſcheats were a great branch both of power and of revenue to the King, eſpecially during the firſt reigns after the conqueſt. In default of deſcendants from the firſt baron, his land reverted to the crown, and continually augmented the King's poſſeſſions. The prince had indeed by law a power of alienating theſe eſcheats; but by this means he enjoyed an opportunity of eſtabliſhing the fortunes of his friends and ſervants, and thereby enlarging his authority. Sometimes he retained them in his own hands, and they were gradually confounded with his royal demeſnes, and became difficult to be diſtinguiſhed from them. This confuſion is probably the reaſon why the King acquired the right of alienating his demeſnes.

[f] So alſo Chron. Abb. St. Petri de Burgo, p. 55. Knyghton, p. 2366.

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BUT beſides eſcheats from default of heirs, thoſe which enſued from crimes or breach of duty towards the ſuperior lord, were very frequent in antient times. If the vaſſal, being thrice ſummoned to attend his ſuperior's court, and do fealty, neglected or refuſed obedience, he forfeited all title to his lands[g]. If he denied his tenure, or refuſed his ſervice, he was expoſed to the ſame penalty[h]. Where he ſold his eſtate without licence from his lord[i], or if he ſold it upon any other tenure or title than that by which he himſelf held it[k], he loſt all right to it. The adhering to his lord's enemies[l], deſerting him in war[m], betraying his ſecrets[n], debauching his wife or his nearer relations[o], or even uſing indecent liberties with them[p], might be puniſhed by forfeiture. The higher crimes, rapes, robbery, murder, burning houſes, &c. were called felony; and being interpreted want of fidelity to his lord, made him loſe his fief[q]. Even where the felon was vaſſal to a baron, though his immediate lord enjoyed the forfeiture, the King might retain poſſeſſion of his eſtate during a year, and had the right of ſpoiling and deſtroying it, unleſs the baron paid him a reaſonable compoſition[r]. We have not here enumerated all the ſpecies of felonies, or of crimes by which forfeiture was incurred: We have ſaid enough to prove, that the poſſeſſion of feudal property was antiently ſomewhat precarious, and that the primary idea was never entirely loſt, of its being a kind of *fee* or *benefice*.

WHEN a baron died, the King immediately took poſſeſſion of the eſtate; and the heir, before he recovered his right, was

[g] Hottom. de Feud. Diſp. cap. 38. col. 886. [h] Lib. Feud. lib. 3, tit. 1.; lib. 4. tit. 21, 39. [i] Lib. Feud. lib. 1. tit. 21. [k] Lib. Feud. lib. 4. tit. 44.
[l] Id. lib. 3. tit. 1. [m] Id. lib. 4. tit. 14, 21. [n] Id. lib. 4. tit. 14.
[o] Id. lib. 1. tit. 14. 21. [p] Id. lib. 1. tit. 1. [q] Spelm. Gloſſ. in verb. *Felonia*.
[r] Spelm. Gloſſ. in verb. *Felonia*. Glanville, lib. 7. cap. 17.

obliged

obliged to make application to the crown, to desire that he might be admitted to do homage for his land, and to pay a composition to the King. This composition was not at first fixed by law, at least by practice: The King was often very exorbitant in his demands, and kept possession of the land till they were complied with.

If the heir was a minor, the King retained the whole profit of the estate till his majority; and might grant what sum he thought proper for the education and maintenance of the young baron. This practice was also founded on the notion, that a fief was a benefice, and that, while the heir could not perform his military services, the revenue devolved to the superior, who employed another in his place. It is obvious, that a great proportion of the landed property must, by means of this device, be continually in the hands of the prince, and that all the noble families were thereby held in continual dependance. When the King granted the wardship of a rich heir to any one, he had the opportunity of enriching a favourite or minister: If he sold it, he was thereby able to levy a considerable sum of money. Simon de Mountfort paid Henry III. 10,000 marks, an immense sum in those days, for the wardship of Gilbert de Umfreville[s].

If the heir was a female, the King was entitled to offer her any husband of her rank he thought proper; and if she refused him, she forfeited her land. Even a male heir could not marry without the royal consent, and it was usual for men to pay large sums for the liberty of making their own choice in marriage[t]. No man could dispose of his land, either by sale or will, without the consent of his superior. The possessor was never considered

[s] Madox's Hist. of the Exch. p. 223.

[t] Id. p. 320.

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as full proprietor: He was ſtill a kind of beneficiary; and could not oblige his ſuperior to accept of any vaſſal, who was not agreeable to him.

FINES, amerciaments, and oblatas, as they were called, were another conſiderable branch of the royal power and revenue. The antient records of the exchequer, which are ſtill preſerved, give ſurprizing accounts of the numerous fines and amerciaments levied in thoſe days [u], and of the ſtrange inventions fallen upon to exact money from the ſubject. It appears, that the old kings of England put themſelves entirely on the footing of the barbarous eaſtern princes, whom no man muſt approach without a preſent, who ſell all their good offices, and who intrude themſelves into every buſineſs, that they may have a pretence of extorting money. Even juſtice was avowedly bought and ſold; the King's court itſelf, though the ſupreme judicature of the kingdom, was open to none that brought not large preſents to the King; the bribes given for the expedition, delay [x], ſuſpenſion, and, doubtleſs, for the perverſion of juſtice, were entered in the public regiſters of the royal revenue, and remain as monuments of the perpetual iniquity and tyranny of the times. The barons of the exchequer, for inſtance, the firſt nobility of the kingdom, were not aſhamed to inſert, as an article in their records, that the county of Norfolk paid a ſum, that they might be fairly dealt with [y]; the borough of Yarmouth, that the King's charters, which they have for their liberties, might not be violated [z]; Richard, ſon of Gilbert, for the King's helping him to recover his debt from the Jews [a]; Serlo, ſon of Terlavaſton, that he might be permitted to make his defence, in caſe he was accuſed of a

[u] Madox's Hiſt. of Exch. p. 272. [x] Id. p. 274, 309. [y] Id. p. 295.
[z] Id. ibid. [a] Id. p. 296. He paid 200 marks, a great ſum in thoſe days.

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certain homicide[b]; Walter de Burton for free law, if accuſed of wounding another[c]; Robert de Eſſart, for having an inqueſt to find whether Roger, the butcher, and Wace and Humphrey, accuſed him of robbery and theft out of envy and ill-will, or not[d]; William Buhuſt for having an inqueſt to find whether he was accuſed of the death of one Godwin out of ill-will or for juſt cauſe[e]. I have ſelected theſe few inſtances from a great number of a like kind, which Madox had ſelected from a ſtill greater number, preſerved in the antient rolls of the exchequer[f].

SOMETIMES the party litigant proffered the King a certain portion, a half, a third, a fourth, payable out of the debts, which he, as the executor of juſtice, ſhould aſſiſt him in recovering[g]. Theophania de Weſtland agreed to pay the half of 212 marks, that ſhe might recover that ſum againſt James de Fughleſton[h]; Solomon the Jew engaged to pay one mark out of every ſeven that he ſhould recover againſt Hugh de la Hoſe[i]; Nicholas Morrel promiſed to pay ſixty pound, that the Earl of Flanders might be diſtrained to pay him 343 pound, which the earl had taken from him; and this ſixty pound was to be paid out of the firſt money that Nicholas ſhould recover of the earl[k].

THE King, as he aſſumed the entire power over trade, was to be paid for a permiſſion to exerciſe commerce or induſtry of any kind[l]. Hugh Oiſel paid 400 marks for liberty to trade in England[m]: Nigel de Havene gave fifty marks for the partnerſhip in merchandize which he had with Gervaſe de Hanton[n]: The men of Worceſter paid 100 ſhillings, that they might have the

[b] Madox's Hiſt. of Exch. p. 296. [c] Id. ibid. [d] Id. p. 298. [e] Id. p. 302.
[f] Chap. xii. [g] Id. p. 311. [h] Id. ibid. [i] Id. p. 79, 312.
[k] Id. p. 312. [l] Id. p. 323. [m] Id. ibid. [n] Ibid. p. 323.

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liberty of ſelling and buying dyed cloth, as formerly[o]: Several other towns paid for a like liberty[p]. The commerce indeed of the kingdom was ſo much given up to the King, that he erected gilds, corporations, and monopolies, where-ever he pleaſed; and levied ſums for theſe excluſive privileges[q].

THERE were no profits ſo ſmall as to be below the King's attention. Henry, ſon of Arthur, gave ten dogs, to have a recognition againſt the counteſs of Copland for one knight's fee[r]. Roger, ſon of Nicholas, gave twenty lampreys and twenty ſhads for an inqueſt to find, whether Gilbert, ſon of Alured, gave to Roger 200 muttons to obtain his confirmation for certain lands, or whether Roger took them from him by violence[s]: Geoffrey Fitz-Pierre, the chief juſticiary, gave two good Norway hawks, that Walter le Madine might have leave to export an hundred weight of cheeſe out of the King's dominions[t].

IT is amuſing to remark the ſtrange buſineſs in which the King ſometimes interfered, and never without a preſent: The wife of Hugh de Neville gave the King 200 hens, that ſhe might lie with her huſband one night[u]; and ſhe brought with her two ſureties, who anſwered each for an hundred hens. It is probable that her huſband was a priſoner, which debarred her having acceſs to him. The abbot of Rucford paid ten marks, for leave to erect houſes and place men upon his land near Wellang, in order to ſecure his wood there from being ſtolen[w]: Hugh, archdeacon of Wells, gave one tun of wine for leave to carry 600 ſumms of corn whither he would[x]: Peter de Perariis gave

[o] Madox's Hiſt. of Exch. p. 324. [p] Id. ibid. [q] Id. p. 232, 233, &c.
[r] Id. p. 298. [s] Id. p. 305. [t] Id. p. 325. [u] Id. p. 326.
[w] Id. ibid. [x] Id. p. 320.

twenty

twenty marks for leave to ſalt fiſhes, as Peter Chevalier uſed to do[y]. Appendix II.

THE King's protection and good offices of every kind were bought and ſold. Robert Griſlet paid twenty marks of ſilver, that the King would help him againſt the earl of Mortaigne in a certain plea[z]: Robert de Cundet gave thirty marks of ſilver, that the King would bring him to an accord with the biſhop of Lincoln[a]: Ralph de Breckham gave a hawk, that the King would protect him[b]; and this is a very frequent reaſon for payments: John, ſon of Ordgar, gave a Norway hawk, to have the King's requeſt to the King of Norway to let him have his brother Godard's chattels[c]: Richard de Neville gave twenty palfreys to obtain the King's requeſt to Iſolda Biſet, that ſhe ſhould take him for a huſband[d]: Roger Fitz-Walter gave three good palfreys to have the King's letter to Roger Bertram's mother, that ſhe ſhould marry him[e]: Eling, the dean, paid 100 marks, that his whore and his children might be let out upon bail[f]: The biſhop of Wincheſter gave one tun of good wine for his not putting the King in mind to give a girdle to the counteſs of Albemarle[g]: Robert de Veaux gave five of the beſt palfreys, that the King would hold his tongue about Henry Pinel's wife[h]. There are in the records of exchequer many other ſingular inſtances of a like nature[i]. It will however be juſt to remark, that

y Madox's Hiſt. of Exch. p. 326. z Id. p. 329. a Id. p. 330.
b Id. p. 332. c Id. ibid. d Id. p. 333.
e Id. ibid. f Id. p. 342. *Pro habenda amica ſua & filiis, &c.*
g Id. p. 352. h Id. ibid. *Ut Rex taceret de uxore Henrici Pinel.*

i *We ſhall gratify the reader's curioſity by ſubjoining a few more inſtances from Madox,* p. 332. Hugh Oiſel was to give the King two robes of a good green colour, to have the King's letters patent to the merchants of Flanders with a requeſt to render him 1000 marks, which he loſt in Flanders. The abbot of Hyde paid thirty marks, to have the King's letters

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that the ſame ridiculous practices and dangerous abuſes prevailed in Normandy, and probably in all the other ſtates of Europe[k]. England was not in this reſpect more barbarous than its neighbours.

THESE iniquitous practices of the Norman kings were ſo well known, that on the death of Hugh Bigod, in the reign of Henry II. the beſt and moſt juſt of theſe princes, the eldeſt ſon and the widow of this nobleman came to court, and ſtrove, by proffering large preſents to the King, each of them to acquire poſſeſſion of that rich inheritance. The King was ſo equitable as to order the cauſe to be tried by the great council! but in the mean time, he ſeized all the money and treaſures of the deceaſed[l]. Peter of Blois, a judicious, and even an elegant writer for that age, gives a pathetic deſcription of the venality of juſtice and the oppreſſions of the poor, under the reign of Henry: And he ſcruples not

of requeſt to the archbiſhop of Canterbury, to remove certain monks that were againſt the abbot. Roger de Trihanton paid twenty marks and a palfrey, to have the King's requeſt to Richard de Umfreville to give him his ſiſter to wife, and to the ſiſter that ſhe would accept of him for a huſband: William de Cheveringworth paid five marks, to have the King's letter to the abbot of Perſore, to let him enjoy peaceably his tythes as formerly: Matthew de Hereford, clerk, paid ten marks for a letter of requeſt to the biſhop of Landaff, to let him enjoy peaceably his church of Schenfrith: Andrew Neulun gave three Flemiſh caps, for the King's requeſt to the prior of Chikeſand, for performance of an agreement made between them: Henry de Fontibus gave a Lombardy horſe of value, to have the King's requeſt to Henry Fitz-Hervey, that he would give him his daughter to wife: Roger, ſon of Nicholas, promiſed all the lampreys he could get, to have the King's requeſt to earl William Mareſhal, that he would grant him the manor of Langeford at Ferm. The burgeſſes of Gloceſter promiſed 300 lampreys, that they might not be diſtrained to find the priſoners of Poictou with neceſſaries, unleſs they pleaſed. Id. p. 352. Jordan, ſon of Reginald, paid twenty marks to have the King's requeſt to William Painel, that he would grant him the land of Mill Nierenuit, and the cuſtody of his heirs; and if Jordan obtained the ſame, he was to pay the twenty marks, otherwiſe not. Id. p. 333.

k Madox's Hiſt. of Exch. p. 359.

l Bened. Abb. p. 180, 181.

to

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to complain to the King himſelf of theſe abuſes[m]. We may judge what the caſe would be under the government of worſe princes. The articles of enquiry concerning the conduct of ſheriffs, which Henry promulgated in 1170, ſhow the great power as well as the licentiouſneſs of theſe officers[n].

AMERCIAMENTS or fines for crimes and treſpaſſes were another conſiderable branch of the royal revenue[o]. Moſt crimes were atoned for by money; the fines impoſed were not limited by any rule or ſtatute; and frequently occaſioned the total ruin of the perſon, even for the ſlighteſt treſpaſſes. The foreſt-laws, particularly, were a great ſource of oppreſſion. The King poſſeſſed ſixty-eight foreſts, thirteen chaces, and ſeven hundred and eighty-one parks, in different parts of England[p]; and conſidering the extreme paſſion of the Engliſh and Normans for hunting, theſe were ſo many ſnares laid for the people, by which they were allured into treſpaſſes, and brought within the reach of arbitrary and rigorous laws, which the King had thought proper by his own authority to enact.

BUT the moſt barefaced acts of tyranny and oppreſſion were thoſe practiſed againſt the Jews, who were entirely out of the protection of law, were extremely odious to the bigotry of the people, and were abandoned to the immeaſurable rapacity of the King and his miniſters. Beſides many other indignities, to which they were continually expoſed, it appears, that they were once all thrown into priſon, and the ſum of 66,000 marks exacted for their liberty[q]: At another time, Iſaac the Jew paid

m Petri Bleſ. Epiſt. 95. apud Bibl. Patrum, tom. 24. p. 2014. n Hoveden, Chron. Gerv. p. 1410. o Madox, chap. xiv. p Spelm. Gloſſ. in verbo *Foreſta*.
q Madox Hiſt. of the Exch. p. 151. This happened in the reign of King John.

alone

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alone 5100 marks[r]; Brun, 3000 marks[s]; Jurnet, 2000; Bennet, 500: At another, Licorica, widow of David, the Jew of Oxford, was required to pay 6000 marks; and ſhe was delivered over to ſix of the richeſt and diſcreeteſt Jews of England, who were to anſwer for the ſum[t]. Henry III. borrowed 5000 marks of the earl of Cornwal; and for his repayment aſſigned him over all the Jews of England[u]. The revenue ariſing from exactions upon this nation was ſo conſiderable, that there was a particular court of exchequer ſet apart for managing it[x].

Commerce.

We may judge of the low ſtate of commerce among the Engliſh, when the Jews, notwithſtanding all theſe oppreſſions, could ſtill find their account in trading among them, and lending them money. And as the improvements of agriculture were alſo much checked, both by the immenſe poſſeſſions of the nobility, and by the precarious ſtate of feudal property; it appears, that induſtry of no kind could then have place in the kingdom[y].

It is aſſerted by Sir Harry Spellman[z], as an undoubted truth, that, during the reigns of the firſt Norman princes, every edict of the King, iſſued with the conſent of his privy-council, had the full force of law. But the barons ſurely were not ſo paſſive as to entruſt a power, entirely arbitrary and deſpotic, into the

r Madox's Hiſt. of the Exch. p. 151. s Id. p. 153. t Id. p. 168.
u Id. p. 156. x Id. chap. vii.

y We learn from the extracts given us of Domeſday by Brady in his Treatiſe of Boroughs, that almoſt all the boroughs of England had ſuffered in the ſhock of the Conqueſt, and had decayed extremely between the death of the Confeſſor, and the time when Domeſday was framed.

z Gloſſ. in verb. *judicium Dei*. The author of the *Miroir des juſtices*, complains, that ordinances are only made by the King and his clerks, and by aliens and others, who dare not contradict the King, but ſtudy to pleaſe him. Whence, he concludes, laws are oftener dictated by will than founded on right.

hands

hands of the ſovereign. It only appears, that the conſtitution had not fixed any preciſe boundaries to the royal power; that the right of iſſuing proclamations on any emergence and of exacting obedience to them, a right which was always ſuppoſed inherent in the crown, is very difficult to be diſtinguiſhed from a legiſlative authority; that the extreme imperfection of the antient laws, and the ſudden exigencies, which often occurred in ſuch turbulent governments, obliged the prince to exert frequently the latent powers of his prerogative; that he naturally proceeded, from the acquieſcence of the people, to aſſume, in many particulars of moment, an authority, from which he had excluded himſelf by expreſs ſtatutes, charters or conceſſions, and which was, in the main, repugnant to the general genius of the conſtitution; and that the lives, the perſonal liberty, and the properties of all his ſubjects were leſs ſecured by law againſt the exertion of his arbitrary authority, than by the independant power and private connexions of each individual. It appears from the great charter itſelf, that not only John, a tyrannical prince, and Richard, a violent one, but their father, Henry, under whoſe reign the prevalence of groſs abuſes is the leaſt to be ſuſpected, was accuſtomed, from his ſole authority, without proceſs of law, to impriſon, baniſh and attaint the freemen of his kingdom.

A GREAT baron, in antient times, conſidered himſelf as a kind of ſovereign within his territory; and was attended with courtiers and dependants more zealouſly attached to him than the miniſters of ſtate and the great officers were commonly to *their* ſovereign. He often maintained in his court the parade of royalty, by eſtabliſhing a juſticiary, conſtable, mareſchal, chamberlain, feneſchal, and chancellor, and aſſigning to each of

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theſe officers a ſeparate province and command. He was uſually very aſſiduous in exerciſing his juriſdiction; and took ſuch delight in that image of ſovereignty, that it was found neceſſary to reſtrain his activity, and prohibit him by law from holding courts too frequently [a]. It is not to be doubted, that the example, ſet him by the prince, of a mercenary and fordid extortion, would be faithfully copied; and that all his good and bad offices, his juſtice and injuſtice, were equally put to ſale. He had the power, with the King's conſent, to exact talliages even from the free-citizens who lived within his barony; and as his neceſſities made him rapacious, his authority was uſually found to be more oppreſſive and tyrannical than that of the ſovereign [b]. He was ever engaged in hereditary or perſonal animoſities or confederacies with his neighbours, and often gave protection to all deſperate adventurers and criminals, who could be uſeful in ſerving his violent purpoſes. He was able alone, in times of tranquillity, to obſtruct the execution of juſtice within his territories; and by combining with a few malcontent barons of high rank and power, he could throw the whole ſtate into convulſions. And on the whole, though the royal authority was confined within bounds, and often within very narrow ones, yet the check was irregular, and frequently the ſource of great diſorders; and it was not derived from the liberty of the people, but from the military power of many petty tyrants, who were equally dangerous to the prince and oppreſſive to the ſubject.

The Church.

THE power of the church was another rampart againſt royal authority; but this defence was alſo the cauſe of many miſchiefs and inconveniencies. The dignified clergy, perhaps, were not ſo prone to immediate violence as the barons; but as they pre-

[a] Dugd. Jurid. Orig. p. 26.

[b] Madox Hiſt. of Exch. p. 520.

tended

tended to a total independance on the ſtate, and could always cover themſelves with the appearances of religion, they proved, in one reſpect, an obſtruction to the ſettlement of the kingdom, and to the regular execution of the laws. The policy of the Conqueror was in this particular liable to ſome exception. He augmented the ſuperſtitious veneration for Rome, to which that age was ſo much inclined; and he broke thoſe bands of connexion, which, in the Saxon times, had preſerved an union between the lay and the clerical orders. He prohibited the biſhops to ſit in the county-courts; he allowed eccleſiaſtical cauſes to be tried only in ſpiritual courts[c]; and he ſo much exalted the power of the clergy, that of 60,215 knights fees, into which he divided England, he placed no leſs than 28,015 under the church[d].

Civil laws.

THE right of primogeniture came in with the feudal law: A practice, which is hurtful by producing and maintaining an unequal diviſion of private property; but is advantageous, in another reſpect, by accuſtoming the people to a preference in favour of the eldeſt ſon, and thereby preventing a partition or diſputed ſucceſſion in the monarchy. The Normans introduced the uſe of ſirnames, which tend to preſerve the knowledge of families and pedigrees; as do alſo, the diſtinction of coats of arms, which came in vogue about the time of King Richard. They aboliſhed none of the old abſurd methods of trial, by the croſs or ordeal; and they added a new abſurdity, the trial by ſingle combat[e],

c Char. Will. apud Wilkins, p. 230. Spel. Conc. vol. ii. p. 14.

d Spel. Gloſſ. in verb. *manus mortua*. We are not to imagine, as ſome have done, that the church poſſeſſed lands in this proportion, but only that they and their vaſſals enjoyed ſuch a proportionable part of the landed property.

e LL. Will. cap. 68.

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which became a regular part of juriſprudence, and was conducted with all the order, method, devotion and ſolemnity imaginable. The ideas of chivalry alſo ſeem to have been imported by the Normans: No traces of theſe fantaſtic notions are to be found among the plain and ruſtic Saxons: The feudal inſtitutions, by raiſing a ſet of men to a kind of ſovereign dignity, rendering perſonal ſtrength and valor ſo requiſite, and making every knight and baron his own protector and avenger, begot that military pride and ſenſe of honour, which, being cultivated and embelliſhed by the poets and romance writers of the age, ended in chivalry. The virtuous knight fought not only in his own quarrel; but in that of the innocent, the helpleſs, and above all, of the fair, whom he ſuppoſed to be for ever under the guardianſhip of his valiant arm. The uncourteous knight, who, from his caſtle, exerciſed robbery on travellers, and committed violence on virgins, was the object of his perpetual indignation; and he put him to death, without ſcruple or trial or appeal, wherever he met with him. The great independance of men made perſonal honour and fidelity the chief tie among them; and rendered it the capital virtue of every true knight, or genuine profeſſor of chivalry. The ſolemnities of ſingle combat, as eſtabliſhed by law, baniſhed the notion of every thing unfair or unequal in rencounters; and maintained an appearance of courteſy between the combatants, till the moment of their engagement. The credulity of the age grafted on this ſtock the notion of giants, enchanters, dragons, ſpells[g], and a thouſand

Manners.

[f] Spel. Gloſſ. in verb. *campus*. The laſt inſtance of theſe duels was in the 15th of Eliz. ſo long did that abſurdity remain.

[g] In all legal ſingle combats, it was part of the champion's oath, that he carried not about him any herb, ſpell, or inchantment, by which he might procure victory. Dugd. Orig. Jurid. p. 82.

wonders

wonders which ſtill multiplied during the times of the Cruſades; when men, returning from ſo great a diſtance, uſed the liberty of impoſing every fiction on their believing audience. Theſe ideas of chivalry infected the writings, converſation, and behaviour of men, during ſome ages; and even after they were, in a great degree, baniſhed by the revival of learning, they left modern *gallantry* and the *point of honour*, which ſtill maintain their influence, and are the genuine offspring of thoſe ancient affectations. Appendix II.

THE conceſſion of the great charter, or rather its full eſtabliſhment (for there was a conſiderable interval between the one and the other) gave riſe, by degrees, to a new ſpecies of government, and introduced ſome order and juſtice into the adminiſtration. The enſuing ſcenes of our hiſtory are therefore ſomewhat different from the preceding. Yet the great charter contained no eſtabliſhment of new courts, magiſtrates, or ſenates, nor abolition of the old. It introduced no new diſtribution of the powers of the commonwealth, and no innovation in the political or public law of the kingdom. It only guarded, and that merely by verbal clauſes, againſt ſuch tyrannical practices as are incompatible with civilized government, and, if they become very frequent, are incompatible with all government. The barbarous licence of the Kings, and perhaps of the nobles, was thenceforth ſomewhat more reſtrained: Men acquired ſome more ſecurity for their properties and their liberties: And government approached a little nearer to that end, for which it was originally inſtituted, the diſtribution of juſtice, and the equal protection of the citizens. Acts of violence and iniquity in the crown, which before were only deemed injuries to individuals, and were hazardous

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chiefly in proportion to the number, power, and dignity of the perſons affected by them, were now regarded, in ſome degree, as public injuries, and as infringements of a charter, calculated for general ſecurity. And thus, the eſtabliſhment of the Great Charter, without ſeeming anywiſe to innovate in the diſtribution of political power, became a kind of epoch in the conſtitution.

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HENRY III.

Settlement of the government—General pacification—Death of the Protector—Some commotions—Hubert de Burgh diſplaced—The biſhop of Wincheſter miniſter——King's partiality to foreigners—Grievances—Eccleſiaſtical grievances——Earl of Cornwal elected king of the Romans——Diſcontent of the barons——Simon de Mountfort earl of Leiceſter——Proviſions of Oxford—Uſurpation of the barons—Prince Edward—Civil wars of the barons—Reference to the king of France—Renewal of the civil wars—Battle of Lewes—Houſe of Commons—Battle of Eveſham and death of Leiceſter—Settlement of the government—Death—and character of the King——Miſcellaneous tranſactions of this reign.

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MOST ſciences, in proportion as they encreaſe and improve, invent methods by which they facilitate their reaſonings; and employing general theorems, are enabled to comprehend in a few propoſitions a great number of inferences and concluſions. Hiſtory alſo, being a collection of facts which are multiplying without end, is obliged to adopt ſuch arts of abridgement, to retain the more material events, and to drop all the minute circumſtances, which are only intereſting during the time, or to the perſons engaged in the tranſactions. This truth is no where more evident than with regard to the reign, upon which we are going to enter. What mortal could have the patience to write or read a long detail of ſuch frivolous events as thoſe with which it is filled, or attend to a tedious narrative

which

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which would follow, through a ſeries of fifty ſix years, the caprices and weakneſſes of ſo mean a prince as Henry? The chief reaſon, why proteſtant writers have been ſo anxious to ſpread out the incidents of this reign, is in order to expoſe the rapacity, ambition, and artifices of the court of Rome, and to prove, that the great dignitaries of the catholic church, while they pretended to have nothing in view but the ſalvation of ſouls, had bent all their attention to the acquiſition of riches, and were reſtrained by no ſenſe of juſtice or honour, in the purſuit of that great object[f]. But this concluſion would readily be allowed them, though it were not illuſtrated by ſuch a detail of unintereſting incidents; and follows indeed, by an evident neceſſity, from the very ſituation, in which that church was placed with regard to the reſt of Europe. For beſides that eccleſiaſtical power, as it can always cover its operations under a cloak of ſanctity, and attacks men on the ſide where they dare not employ their reaſon, lies leſs under controul than civil government; beſides this general cauſe, I ſay, the Pope and his courtiers were foreigners to moſt of the churches which they governed; they could not poſſibly have any other object but to pillage the provinces for preſent gain; and as they lived at a diſtance, they would be little awed by ſhame or remorſe, in practiſing every lucrative expedient, which was ſuggeſted to them. England being one of the moſt remote provinces, attached to the Romiſh hierarchy, as well as one of the richeſt, and the moſt prone to ſuperſtition, felt ſeverely during this reign, while its patience was not yet fully exhauſted, the influence of theſe cauſes; and we ſhall often have occaſion to touch curſorily upon ſuch incidents. But we ſhall not attempt to comprehend every tranſac-

[f] M. Paris, p. 623.

tion

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ſion tranſmitted to us; and till the end of the reign, when the events become more memorable, we ſhall not always obſerve an exact chronological order in our narration.

Settlement of the government.

THE earl of Pembroke, who, at the time of John's death, was mareſchal of England, was by his office at the head of the armies, and conſequently, during a ſtate of civil wars and convulſions, at the head of the ſtate; and it happened fortunately for the young monarch, and for the nation, that the power could not have been intruſted into more able and more faithful hands. This nobleman, who had maintained his loyalty unſhaken to John during the loweſt fortune of that monarch, determined to ſupport the authority of the infant prince; and he was not diſmayed with the number and violence of his enemies. Senſible, that Henry, agreeably to the prejudices of the times, would not be deemed ſovereign, till crowned and anointed by a churchman; he immediately carried the young prince to Gloceſter, where the ceremony of coronation was performed, in the preſence of Gualo, the legate, and a very few noblemen, by the biſhops of Wincheſter and Bath[g]. As the concurrence of the papal authority was requiſite to ſupport the tottering throne, Henry was obliged to ſwear fealty to the Pope, and renew that homage, to which his father had already ſubjected the kingdom[h]: And in order to enlarge the authority of Pembroke, and give him a more regular and legal title to it, a general council of the barons was ſoon after ſummoned at Briſtol, where that nobleman was choſen protector of the kingdom.

28th Oct.

11th Nov.

PEMBROKE, that he might reconcile all men to the government of his pupil, made him grant anew a charter of liberties,

[g] M. Paris, p. 200. Hiſt. Croyſ. Cont. p. 474. W. Heming. p. 562. Trivet, p. 168.
[h] M. Paris, p. 200.

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which, though mostly copied from the former conceſſions, extorted from John, contains ſome alterations, which may be deemed remarkable[1]. The full privilege of elections in the clergy, granted by the late King, was not confirmed, nor the liberty of going out of the kingdom, without the royal conſent: Whence we may conjecture, that Pembroke and the barons, jealous of the eccleſiaſtical power, both were deſirous of renewing the King's claim to iſſue a congè d'elire to the monks and chapters, and thought it requiſite to put ſome check on the frequent appeals to Rome. But what may chiefly ſurprize us is, that the obligation, to which John had ſubjected himſelf, of obtaining the conſent of the great council before he levied any aids or ſcutages upon the nation, was omitted; and this article was even declared hard and ſevere, and was expreſsly left to future deliberation. But we muſt conſider, that, though this limitation may perhaps appear to us the moſt momentous in the whole charter of John, it was not regarded in that light by the antient barons, who were more jealous of particular acts of violence in the crown than of ſuch general impoſitions, which, unleſs they were evidently reaſonable and neceſſary, could ſcarcely, without a general conſent, be levied upon men, who had arms in their hands, and who could repel any act of oppreſſion, by which they were all immediately affected. We accordingly find, that Henry, in the courſe of his reign, while he gave frequent occaſions for complaint, with regard to the violations of the great charter, never once attempted, by his mere will, to levy any aids or ſcutages; though he was often reduced to great neceſſities, and was refuſed ſupply by his people. So much eaſier was it for him to tranſgreſs the law, when individuals alone were affected,

[1] Rymer, vol. i. p. 215.

than

than even to exert his acknowledged prerogatives, where the intereſt of the whole body was concerned.

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THIS charter was again confirmed by the King in the enſuing year, with the addition of ſome articles to prevent the oppreſſions of ſheriffs: And alſo with an additional charter of foreſts, a circumſtance of great moment in thoſe ages, when hunting was ſo much the occupation of the nobility, and when the King comprehended ſo conſiderable a part of the kingdom within his foreſts, which he governed by peculiar and arbitrary laws. All the foreſts, which had been encloſed ſince the reign of Henry the ſecond, were deſaforeſted; and new perambulations were appointed for that purpoſe: Offences in the foreſts were declared to be no longer capital; but puniſhable by fines, impriſonments, and more gentle penalties: And all the proprietors of land recovered the power of cutting and uſing their own wood at their pleaſure.

THUS, theſe famous charters were brought very nearly to the ſhape, in which they have ever ſince ſtood; and they were, during many generations, the darling of the Engliſh nation, and eſteemed the moſt ſacred rampart to national liberty and independance. As they ſecured the rights of all orders of men, they were anxiouſly defended by all, and became the baſis, in a manner, of the Engliſh monarchy, and a kind of original contract, which both limited the authority of the King, and enſured the conditional allegiance of his ſubjects. Though often violated, they were ſtill claimed and recalled by the nobility and people; and as no precedents were ſuppoſed valid, that infringed them, they rather acquired, than loſt authority, from the frequent attempts, made againſt them in ſeveral ages, by regal and arbitrary power.

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WHILE Pembroke, by renewing and confirming the great charter, gave ſo much ſatisfaction and ſecurity to the nation in general, he alſo applied himſelf ſucceſsfully to individuals; and wrote letters, in the King's name, to all the malcontent barons; in which he repreſented to them, that whatever jealouſy and animoſity they might have entertained againſt the late King, a young prince, the lineal heir of their antient monarchs, had now ſucceeded to the throne, without ſucceeding either to the reſentments or principles of his predeceſſor: That the deſperate expedient, which they had employed, of calling in a foreign potentate, had, happily for them as well as for the nation, failed of entire ſucceſs, and it was ſtill in their power, by a quick return to their duty, to reſtore the independance of the kingdom, and to ſecure that liberty, for which they ſo zealouſly contended: That as all paſt offences of the barons were now buried in oblivion, they ought, on their part, to forget their complaints againſt their late ſovereign, who, if he had been any wiſe blameable in his conduct, had left to his ſon the ſalutary warning, to avoid the paths, which had led to ſuch fatal extremities: And that having now obtained a charter for their liberties, it was their intereſt to ſhew, by their conduct, that that acquiſition was not incompatible with their allegiance, and that the rights of King and people, ſo far from being hoſtile and oppoſite, might mutually ſupport and ſuſtain each other [b].

THESE conſiderations, enforced by the character of conſtancy and fidelity, which Pembroke had ever maintained, had a mighty influence on the barons; and the moſt of them began ſecretly to negotiate with him, and many of them openly returned to their duty. The diffidence, which Lewis diſcovered of their fidelity,

[b] Rymer, vol. i. p. 215. Brady's App. N°. 143.

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forwarded this general propenſion towards the King; and when the French prince refuſed the government of the caſtle of Hertford to Robert Fitz-Walter, who had been ſo active againſt the late King, and who claimed that fortreſs as his right and property, they plainly ſaw, that the Engliſh were excluded from every truſt, and that foreigners had engroſſed all the confidence and affection of their new ſovereign [c]. The excommunication too, denounced by the legate, againſt all Lewis's adherents, failed not, in the turn which mens diſpoſitions had taken, to operate a mighty effect upon them; and they were eaſily perſuaded to conſider a cauſe as impious and profane, for which they had already entertained an unſurmountable averſion [d]. Though Lewis made a journey to France, and brought over freſh ſuccours from that kingdom [e], he found, on his return, that his party was ſtill more weakened by the deſertion of his Engliſh confederates, and that the death of John had, contrary to his expectations, given an incurable blow to his cauſe. The earls of Saliſbury, Arundel, and Warrenne, together with William Mareſhal, eldeſt ſon of the protector, had embraced Henry's party; and every Engliſh nobleman was plainly watching an opportunity of returning to his allegiance. Pembroke was ſo much ſtrengthened by theſe acceſſions, that he ventured to inveſt Mount-ſorel; though, upon the approach of the count de Perche with the French army, he deſiſted from his enterprize, and raiſed the ſiege [f]. The count de Perche, elated with this ſucceſs, marched to Lincoln; and being admitted into the town, he began to attack the caſtle, which he ſoon reduced to extremity. The protector ſummoned all his forces from every quarter in order to relieve a place of ſuch importance; and he appeared ſo much ſuperior to the French, that they ſhut themſelves up within the city, and reſolved

[c] M. Paris, p. 200, 202.
[d] M. Paris, p. 200. M. Weſt. p. 277.
[e] Chron. Dunſt. vol. i. p. 79. M. Weſt. p. 277.
[f] M. Paris, p. 203.

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to take ſhelter behind the walls[g]. But the garriſon of the caſtle, having received a ſtrong reinforcement, made a vigorous ſally upon the beſiegers; while the Engliſh army, by concert, aſſaulted them in the ſame inſtant from without, mounted the walls by ſcalade, and bearing down all reſiſtance, entered the city ſword in hand. Lincoln was delivered over to be pillaged; the French army was totally routed; the count de Perche, with only two perſons more, was killed, but many of the chief commanders and about 400 knights were made priſoners by the Engliſh[h]. So little blood was ſhed on this important occaſion, which decided the fate of one of the moſt powerful kingdoms of Europe; and ſuch wretched ſoldiers were thoſe antient barons, who yet were unacquainted with every thing but arms.

PRINCE Lewis was informed of this fatal event, while employed in the ſiege of Dover, which was ſtill valiantly defended againſt him by Hubert de Burgh. He immediately retreated to London, which was the center and life of his party; and he there received intelligence of a new diſaſter, which put an end to all his hopes. A French fleet bringing over a ſtrong reinforcement, had appeared on the coaſt of Kent; where they were attacked by the Engliſh under the command of Philip d'Albiney, and were routed and repulſed with conſiderable loſs. D'Albiney practiſed a ſtratagem againſt them, which is ſaid to have contributed to the victory: Having gained the wind of the French, he came down upon them with violence; and throwing in their faces a great quantity of quick-lime, which he purpoſely carried on board, he ſo blinded them, that they were diſabled from defending themſelves[i].

g Chron. Dunſt. vol. i. p. 81. h M. Paris, p. 204, 205. Chron. de Mailr. p. 195.
i M. Paris, p. 206. Ann. Waverl. p. 183. W. Heming. p. 563. Trivet, p. 169. M Weſt. p. 277. Knyghton, p. 2428.

AFTER

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AFTER this ſecond misfortune of the French, the Engliſh barons haſtened every where to make terms of peace with the protector, and by an early ſubmiſſion, to prevent thoſe forfeitures, to which they were expoſed on account of their rebellion. Lewis, whoſe cauſe was now totally deſperate, began to be anxious for the ſafety of his perſon, and was glad, on any honourable conditions, to make his eſcape from a country, where he found, that every thing was now become hoſtile to him. He concluded a peace with Pembroke, promiſed to evacuate the kingdom, and only ſtipulated in return, an indemnity to his adherents, and a reſtitution of their honours and fortunes, together with the free and equal enjoyment of thoſe liberties, which had been granted to the reſt of the nation[k]. Thus, was happily ended a civil war, which ſeemed to be founded on the moſt incurable hatred and jealouſy, and had threatened the kingdom with the moſt fatal conſequences.

General pacification.

THE precautions, which the King of France uſed in the conduct of this whole affair, are remarkable. He pretended, that his ſon had accepted of the offer from the Engliſh barons, without his advice, and contrary to his inclination: The armies ſent to England were levied in Lewis's name: When that prince came over to France for aid, his father publickly refuſed to grant him any aſſiſtance, and would not ſo much as admit him to his preſence: Even after Henry's party acquired the aſcendant, and Lewis was in danger of falling into the hands of his enemies, it was Blanche of Caſtile his wife, not the King his father, who raiſed armies and equipped fleets for his ſuccour[l]. All theſe artifices were employed, not to ſatisfy the Pope; for he had too

[k] Rymer, vol. i. p. 221. M. Paris, p. 207. Chron. Dunſt. vol. i. p. 83. M. Weſt. p. 278. Knyghton, p. 2429. [l] M. Paris, p. 256. Chron. Dunſt. vol. i. p. 82.

much

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much penetration to be ſo eaſily impoſed on: Nor yet to deceive the people; for they were too groſs even for that purpoſe: They only ſerved for a colouring to Philip's cauſe; and in public affairs, men are often better pleaſed, that the truth, though known to every body, ſhould be wrapt up under a decent cover, than if it were expoſed in open day-light to the eyes of all the world.

AFTER the expulſion of the French, the prudence and equity of the protector's ſubſequent conduct, contributed to cure entirely thoſe wounds, which had been made by inteſtine diſcord. He received the rebellious barons into favour; obſerved ſtrictly the terms of peace, which he had granted them; reſtored them to their poſſeſſions; and endeavoured, by an equal behaviour, to bury all paſt animoſities in perpetual oblivion. The clergy alone, who had adhered to Lewis, were ſufferers in this revolution. As they had rebelled againſt their ſpiritual ſovereign, by diſregarding the interdict and excommunication, it was not in Pembroke's power to make any ſtipulations in their favour; and Gualo, the legate, prepared to take vengeance on them for their diſobedience[m]. Many of them were depoſed; many ſuſpended; ſome baniſhed; and all who eſcaped puniſhment, made atonement for their offence, by paying large ſums to the legate, who amaſſed an immenſe treaſure by this expedient.

Death of the protector.

THE earl of Pembroke ſurvived not long the pacification, which had been chiefly owing to his wiſdom and valour[n]; and he was ſucceeded in the government by Peter des Roches, biſhop

[m] Brady's App. N°. 144. Chron. Dunſt. vol. i. p. 83. [n] M. Paris, p. 210.

of

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of Wincheſter, and Hubert de Burgh, high juſticiary. The councils of the latter were chiefly followed; and had he poſſeſſed equal authority in the kingdom with Pembroke, he ſeemed to be every way worthy of filling the place of that virtuous citizen. But the licentious and powerful barons, who had once broken the reins of ſubjection to their prince, and had obtained by violence an enlargement of their liberties and independance, could ill be reſtrained by laws under a minority; and the people, no leſs than the King, ſuffered from their outrages and diſorders. They retained by force the royal caſtles, which they had uſurped during the paſt convulſions, or which had been committed to their cuſtody by the protector[o]: They uſurped the demeſnes[p]: They oppreſſed their vaſſals: They infeſted their weaker neighbours: They invited all diſorderly people to enter in their retinue, and to live upon their lands: And they gave them protection in all their robberies and extortions.

Some commotions.

No one was more infamous for theſe violent and illegal practices than the earl of Albemarle, who, though he had early returned to his duty, and had been very ſerviceable in expelling the French, augmented to the utmoſt the general licence, and committed outrages in all the counties of the North. In order to ſuppreſs his diſorders, Hubert ſeized an opportunity of getting poſſeſſion of Rockingham caſtle, which Albemarle had garriſoned with his licentious retinue: But this nobleman, inſtead of ſubmitting, entered into a ſecret confederacy with Fawkes de Breauté, Peter de Mauleon, and other barons, and both fortified the caſtle of Biham for his defence, and made himſelf maſter by ſurprize of that of Fotheringay. Pandulf, who was reſtored to his legateſhip in the place of Gualo, was active in ſuppreſſing

[o] Trivet, p. 174. [p] Rymer, vol. i. p. 276.

this

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this rebellion; and with the concurrence of eleven biſhops, he denounced the ſentence of excommunication againſt Albemarle and his adherents[q]: An army was levied: A ſcutage of ten ſhillings a knight's fee was impoſed on all the military tenants: Albemarle's aſſociates gradually deſerted him: And he himſelf was obliged at laſt to ſue for mercy. He received a pardon, and was reſtored to his whole eſtate.

THIS impolitic lenity, too frequent in thoſe times, was probably the reſult of a combination among the barons, who never could endure to ſee the total ruin of one of their own order: But it encouraged Fawkes de Breauté, a man whom King John had raiſed from a low origin, to perſevere in the courſe of violence, to which he had owed his fortune, and to ſet at nought all law and juſtice. When thirty-five verdicts were at one time found againſt him, on account of his violent expulſion of ſo many freeholders from their poſſeſſions; he came to the court of juſtice with an armed force, ſeized the judge who had pronounced the ſentences, and impriſoned him in Bedford caſtle. He then levied open war againſt the King; but being ſubdued, and taken priſoner, his life was granted him; but his eſtate was confiſcated, and he was baniſhed the kingdom[r].

1222. JUSTICE was executed with greater ſeverity againſt diſorders leſs premeditated, which broke out in London. A frivolous emulation in a match of wreſtling, between the Londoners on the one hand, and the inhabitants of Weſtminſter and thoſe of the neighbouring villages on the other, occaſioned this commotion. The former roſe in a body, and pulled down ſome houſes

[q] Chron. Dunſt. vol. i. p. 102. [r] Rymer, vol. i. p. 198. M. Paris, p. 221. 224. Ann. Waverl. p. 188. Chron. Dunſt. vol. i. p. 141. 146. M. Weſt. p. 283.

belonging

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belonging to the abbot of Weſtminſter: But this riot, which, conſidering the tumultuous diſpoſition familiar to that capital, would have been little regarded, ſeemed to become more ſerious, by the ſymptoms, which then appeared of the former attachment of the citizens to the French intereſt. The populace, in the tumult, made uſe of the cry of war commonly employed by the French troops; *Mountjoy, mountjoy, God help us and our lord Lewis.* The juſticiary made enquiry into the diſorder; and finding one Conſtantine Fitz Arnulf to have been the ringleader, an inſolent man, who juſtified his crime in Hubert's preſence, he proceeded againſt him by martial law, and ordered him immediately to be hanged, without trial or form of proceſs. He alſo cut off the feet of ſome of Conſtantine's accomplices[s].

THIS act of power was complained of as an infringement of the great charter: Yet the juſticiary, in a parliament, ſummoned at Oxford (for the great councils about this time began to receive that appellation) made no ſcruple to grant in the King's name a renewal and confirmation of that charter. When the aſſembly made application to the crown for this favour; as a law in thoſe times ſeemed to loſe its validity, if not frequently renewed; William de Briewere, one of the council of regency, was ſo bold as to ſay openly, that theſe liberties were extorted by force, and ought not to be obſerved: But he was reprimanded by the archbiſhop of Canterbury, and was not countenanced by the King or his chief miniſters[t]. A new confirmation was demanded and granted two years after; and an aid, amounting to a fifteenth of all moveables, was given by the parliament, in return for this indulgence[u]. The King iſſued writs anew to

[s] M. Paris, p. 217, 218. 259. Annal. Waverl. p. 187. Chron. Dunſt. vol. i. p. 129.
[t] M. Weſt. p. 282. [u] M. Paris, p. 223. Ann. T. Wykes, p. 40. Chron. Dunſt. vol. i. p. 151. M. Weſt. p. 284. Knyghton, p. 2430.

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the ſheriffs, commanding the obſervance of the charter; but he inſerted a remarkable clauſe in the writs, that thoſe who payed not the fifteenth, ſhould not for the future be entitled to the benefit of thoſe liberties [w].

THE low ſtate, into which the crown was now fallen, made it requiſite for a good miniſter to be attentive to the preſervation of the royal prerogatives, as well as to the ſecurity of public liberty. Hubert applied to the Pope, who had always great authority in the kingdom, and was now conſidered as its ſuperior lord; and deſired him to iſſue a bull, declaring the King to be of full age, and entitled to exerciſe in perſon all the acts of royalty [x]. In conſequence of this declaration, the juſticiary reſigned into Henry's hands the two important fortreſſes of the Tower and Dover caſtle, which had been entruſted to his cuſtody; and he required the other barons to imitate his example. They refuſed compliance: The earls of Cheſter and Albemarle, John Conſtable of Cheſter, John de Lacy, Brian de l'Iſle, and William de Cantel, with ſome others, even formed a conſpiracy to ſurprize London, and met in arms at Waltham with that intention: But finding the King prepared for defence, they deſiſted from their enterprize. When ſummoned to court, in order to anſwer for their conduct, they ſcrupled not to appear, and to confeſs their deſign: But they told the King, that they had no bad intentions againſt his perſon, but only againſt Hubert de Burgh, whom they were determined to remove from his office [y]. They appeared too formidable to be chaſtiſed; and they were ſo little diſcouraged by the failure of their firſt enterprize, that they met again in arms at Leiceſter, in order to ſeize the King, who

[w] Clauſ. 9. H. 3. m. 9. and m. 6. d.
[x] M. Paris, p. 220.
[y] Chron. Dunſt. vol. i. p. 137.

then

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then reſided at Northampton: But Henry, informed of their purpoſe, took care to be ſo well armed and attended, that the barons found it dangerous to make the attempt; and they ſat down and kept their Chriſtmas in his neighbourhood[z]. The archbiſhop and the prelates, finding every thing tend towards a civil war, interpoſed with their authority, and threatened the barons with the ſentence of excommunication, if they perſiſted in detaining the King's caſtles. This menace at laſt prevailed: Moſt of the fortreſſes were ſurrendered; though the barons complained, that Hubert's caſtles were ſoon after reſtored to him, while the King ſtill kept theirs in his own cuſtody. There are ſaid to have been 1115 caſtles at that time in England[a].

IT muſt be acknowledged, that the influence of the prelates and the clergy was often of very great ſervice to the public. Though the religion of that age can merit no better name than that of ſuperſtition, it ſerved to unite together a body of men who had great ſway over the people, and who kept the community from falling to pieces, from the factions and independant power of the nobles. And what was of great conſequence; it threw a mighty authority into the hands of men, who by their profeſſion were averſe to arms and violence; who tempered by their mediation the general diſpoſition towards military enterprizes; and who ſtill maintained, even amidſt the ſhock of arms, thoſe ſecret links, without which it is impoſſible for human ſociety to ſubſiſt.

NOTWITHSTANDING theſe inteſtine commotions in England, and the precarious authority of the crown, Henry was obliged to carry on war in France, and he employed to that pur-

[z] M. Paris, p. 221. Chron. Dunſt. vol. i. p. 138.
[a] Coke's Comment. on Mag. Charta, chap. 17.

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1222. pose the fifteenth which had been granted him by parliament. Lewis the eighth, who had succeeded to his father, Philip, instead of complying with Henry's claim, who demanded the restitution of Normandy and the other provinces, wrested from England, made an irruption into Poictou, took Rochelle[a] after a long siege, and seemed determined to expel the English from the few provinces, which yet remained to them. Henry sent over his uncle, and the earl of Salisbury; together with his brother prince Richard, to whom he had granted the earldom of Cornwal, which had escheated to the crown. Salisbury stopt the progress of Lewis's arms, and retained the Poictevin and Gascon vassals in their allegiance: But no military action of any moment was performed on either side. The earl of Cornwal, after two years stay in Guienne, returned to England.

1227. This prince was no ways turbulent or factious in his disposition: His ruling passion was to amass money, in which he succeeded so well as to become the richest prince in Christendom: Yet his attention to gain sometimes threw him into acts of violence, and gave disturbance to the government. There was a manor, which formerly had belonged to the earldom of Cornwal, but had been given away to Waleran de Ties, before Richard had been invested with that dignity, and while the earldom remained in the hands of the crown. Richard claimed this manor, and expelled the proprietor by force: Waleran complained: The King ordered his brother to do justice to the man, and restore him to his rights: The earl said, that he would not submit to these orders, till the cause was decided against him by the judgment of his peers: Henry replied, that it was first necessary to re-instate Waleran in possession, before the cause

a Rymer, vol. i. p. 269. Trivet, p. 179.

could

could be tried; and he re-iterated his orders to the earl[b]. We may judge of the ſtate of the government, when this affair had nearly produced a civil war. The earl of Cornwal, finding Henry peremptory in his demands, aſſociated himſelf with the young earl of Pembroke, who had married his ſiſter, and who was diſpleaſed on account of the King's requiring him to deliver up ſome royal caſtles which were in his cuſtody. Theſe two malcontents took into their confederacy the earls of Cheſter, Warenne, Glocester, Hereford, Warwic, and Ferrers, who were all diſguſted on a like account[c]. They aſſembled an army, which the King had not the power or courage to reſiſt; and he was obliged to give his brother ſatisfaction, by grants of much greater importance than the manor, which had been the firſt ground of the quarrel[d].

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THE character of the King, as he grew to man's eſtate, became every day better known; and he was found in every circumſtance totally unqualified for maintaining a proper ſway among thoſe turbulent barons, whom the feudal conſtitution ſubjected to his authority. Gentle, humane, and merciful even to a fault, he ſeems to have been ſteady in no other circumſtance of his character; but to have received every impreſſion from thoſe who ſurrounded him, and whom he loved, for the time, with the moſt imprudent and moſt unreſerved affection. Without activity or vigour, he was unfit to conduct war; without policy or art, he was ill fitted to maintain peace: His reſentments, though haſty and violent, were not dreaded, while he was found to drop them with ſuch facility; his friendſhips were little valued, becauſe they were neither derived from choice, nor maintained with conſtancy. A proper pageant of ſtate in a

[b] M. Paris, p. 233. [c] Ibid. [d] Ibid.

regular

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regular monarchy, where his miniſters could have conducted all affairs in his name and by his authority; but too feeble in thoſe diſorderly times to ſway a ſcepter, whoſe weight depended entirely on the firmneſs and dexterity of the hand, which held it.

Hubert de Burgh diſplaced.

THE ableſt and moſt virtuous miniſter, whom Henry ever poſſeſſed, was Hubert de Burgh [e]; a man who had been ſteady to the crown in the moſt difficult and dangerous times, and who yet ſhewed no diſpoſition, in the height of his power, to enſlave or oppreſs the people. The only exceptionable part of his conduct is that which is mentioned by Matthew Paris [f], if the fact is really true, and proceeded from Hubert's advice, namely, the recalling publickly and annulling the charter of foreſts, a conceſſion ſo reaſonable in itſelf, and ſo paſſionately claimed both by the nobility and people: But it muſt be confeſſed, that this meaſure is ſo unlikely, both from the circumſtances of the times and character of the miniſter, that there is great reaſon to doubt of its reality, eſpecially as it is mentioned by no other hiſtorian. Hubert, while he enjoyed his authority, had an entire aſcendant over Henry, and was loaded with honours and favours beyond any other ſubject. Beſides acquiring the property of many caſtles and manors, he married the eldeſt ſiſter of the King of Scots, was created earl of Kent, and by an unuſual conceſſion,

1231. was made chief juſticiary of England for life: Yet Henry, in a ſudden caprice, threw off this faithful miniſter, and expoſed him to the violent perſecutions of his enemies. Among other frivolous crimes objected to him, he was accuſed of gaining the King's affections by enchantment, and of purloining from the

e Ypod. Neuſtriæ, p. 464.

f P. 232. M. Weſt. p. 216. aſcribes this counſel to Peter Biſhop of Wincheſter.

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royal treaſury a gem, which had the virtue to render the wearer invulnerable, and of ſending this valuable curioſity to the prince of Wales[g]. The nobility, who hated Hubert on account of his zeal in reſuming the rights and poſſeſſions of the crown, no ſooner ſaw the opening, than they inflamed the King's animoſity againſt him, and puſhed him to ſeek the total ruin of his miniſter. Hubert took ſanctuary in a church: The King ordered him to be dragged from thence: He recalled thoſe orders: He afterwards renewed them: He was obliged by the clergy to reſtore him to the ſanctuary: He conſtrained him ſoon after to ſurrender himſelf priſoner, and he confined him to the caſtle of the Deviſes. Hubert made his eſcape, was expelled the kingdom, was again received into favour, recovered a great ſhare of the King's confidence, but never ſhowed any inclination to reinſtate himſelf in his power and authority[h].

Biſhop of Wincheſter miniſter.

THE man, who ſucceeded him in the government of the King and kingdom, was Peter, biſhop of Wincheſter, a Poictevin by birth, who had been raiſed by the late King, and who was no leſs diſtinguiſhed by his arbitrary principles and violent conduct, than by his courage and abilities. This prelate had been left by King John juſticiary and regent of the kingdom during an expedition which that prince made into France; and his illegal adminiſtration was one chief cauſe of that great combination among the barons, which finally extorted from the crown the charter of liberties, and laid the foundations of the Engliſh conſtitution. Henry, though incapable, from his character, of purſuing the ſame violent maxims, which had governed his father, had imbibed the ſame arbitrary principles; and in proſecution

[g] M. Paris, p. 259. [h] M. Paris, p. 259, 260, 261. 266. Chron. T. Wykes, p. 41, 42. Chron. Dunſt. vol. i. p. 220, 221. M. Weſt. p. 291. 301.

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1231. of Peter's advice, he invited over a great number of Poictevins and other foreigners, who, he believed, could more ſafely be truſted than the Engliſh, and who ſeemed requiſite to counterbalance the great and independant power of the nobility. [i] Every office and command was beſtowed on theſe ſtrangers; their rapacity exhauſted the revenues of the crown, already too much impoveriſhed [k]; they invaded the rights of the people; and their inſolence, ſtill more provoking than their power, drew on them the hatred and envy of all orders of men in the kingdom [l].

1233. THE barons formed a combination againſt this odious miniſtry, and withdrew from parliament; on pretence of the danger, to which they were expoſed from the machinations of the Poictevins. When again ſummoned to attend, they gave for anſwer, that the King ſhould diſmiſs his foreigners from court: Otherwiſe they would drive both him and them out of the kingdom, and put the crown on another head, more worthy of wearing it [m]: Such was the ſtyle, which they uſed to their ſovereign! They at laſt came to parliament, but ſo well attended with armed followers, that they ſeemed in a condition to preſcribe laws to the King and miniſtry. Peter des Roches, however, had in the interval found means of ſowing diſſentions among the barons, and of bringing over to his party the earl of Cornwal, as well as the earls of Lincoln and Cheſter. The confederates were diſconcerted in their meaſures: Richard, earl Mariſchal, who had ſucceeded to that dignity on the death of his brother, William, was chaſed into Wales; he thence withdrew into Ireland; where he was treacherouſly murdered by the contrivance of the biſhop of Wincheſter [n]. The eſtates of the more obnoxious

[i] M. Paris, p. 263. [k] Chron. Dunſt. vol. i. p. 151. [l] M. Paris, p. 258.
[m] M. Paris, p. 265. [n] Chron. Dunſt. vol. i. p. 219.

barons

barons were confiſcated, without legal ſentence or trial by their peers[q]; and were beſtowed with a profuſe liberality on the Poictevins. Peter even carried his inſolence ſo far as to ſay publicly, that the barons of England muſt not pretend to put themſelves on the ſame footing with thoſe of France, or aſſume the ſame liberties and privileges: The monarch had a more abſolute power in the one country than in the other. It would have been more juſtifiable for him to ſay, that men, ſo unwilling to ſubmit to the authority of laws, could with the worſe grace claim any ſhelter or protection from them.

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When the King, at any time, was checked in his illegal practices, and the authority of the great charter was objected to him, he was wont to reply; "Why ſhould I obſerve this charter, which is neglected by all my grandees, both prelates and nobility?" It was very reaſonably replied: "You ought, ſir, to ſet them the example."[r]

So violent a miniſtry as that of the biſhop of Wincheſter, could not be of long duration; but its fall proceeded at laſt from the influence of the church, not from the efforts of the nobles. Edmond, the preſent primate, came to court, attended by many of the other prelates; and repreſented to the King the pernicious meaſures embraced by Peter des Roches, the diſcontents of his people, the ruin of his affairs; and after requiring the diſmiſſion of the miniſter and his aſſociates, threatened him with the ſentence of excommunication, in caſe of his refuſal. Henry, who knew that an excommunication, ſo agreeable to the ſenſe of the people, could not fail of operating the moſt dangerous effects, was obliged to ſubmit: Foreigners were baniſhed: The natives

[q] M. Paris, p. 265. [r] Ibid. p. 609.

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1233. were reſtored to their place in council[s]: The primate, who was a man of prudence, and who took care to execute the laws and obſerve the charter of liberties, bore the chief ſway in the government.

1236. 14th January. But the Engliſh in vain flattered themſelves that they ſhould be long free from the dominion of foreigners. The King, having married Eleanor, daughter to the count of Provence[t], was ſurrounded by a great number of ſtrangers from that country, whom he careſſed with the fondeſt affection, and enriched by an imprudent generoſity[u]. The biſhop of Valence, a prelate of the houſe of Savoy, and maternal uncle to the queen, was his chief miniſter, and employed every art to amaſs wealth for himſelf and his relations. Peter of Savoy, another brother of the ſame family, was inveſted in the honour of Richmond, and received the rich wardſhip of earl Warrenne: Boniface of Savoy was promoted to the ſee of Canterbury: Many young ladies were invited over from Provence, and married to the chief noblemen of England, who were the King's wards[x]: And as the ſource of Henry's bounty began to fail, his Savoyard miniſtry applied to Rome, and obtained a bull; permitting him to reſume all paſt grants; abſolving him from the oath, which he had taken to maintain them; even enjoining him to make ſuch a reſumption, and repreſenting theſe grants as invalid, on account of the prejudice which enſued from them to the Roman pontiff, in whom the ſuperiority of the kingdom was veſted[y]. The oppoſition, made to the intended reſumption, prevented it from taking effect; but the nation ſaw the indignities, to which the King

King's partiality to foreigners.

[s] M. Paris, p. 271, 272.
[t] Rymer, vol. i. p. 448. M. Paris, p. 286.
[u] M. Paris, p. 236. 301. 305. 316. 541. M. Weſt. p. 302. 304.
[x] M. Paris, p. 484. M. Weſt. p. 338.
[y] M. Paris, p. 295. 301.

was

was willing to ſubmit, in order to gratify the avarice of his foreign favourites. About the ſame time, he publiſhed in England the ſentence of excommunication, denounced againſt the emperor Frederic, his brother in law[z]; and ſaid in excuſe, that, being the Pope's vaſſal, he was obliged by his allegiance to obey all the commands of his holineſs. In this weak reign, when any neighbour inſulted the King's dominions, inſtead of taking revenge for the injury, he complained to the Pope as his ſuperior lord, and begged him to give protection to his vaſſal[a]. CHAP. XII. 1236.

Grievances.

THE reſentment of the Engliſh barons roſe high at the preference given to foreigners; but no remonſtrances and complaints could ever prevail on the King to abandon them, or even to moderate his attachment towards them. After the Provençals and Savoyards might have been ſuppoſed pretty well ſatiated with the dignities and riches, which they had acquired, a new ſet of hungry foreigners were invited over, and ſhared among them thoſe favours, which the King ought in policy to have conferred on the Engliſh nobility, by whom his government could have been ſupported and defended. His mother, Iſabella, who had been unjuſtly taken by the late King from the count de la Marche, to whom ſhe was betrothed, was no ſooner miſtreſs of herſelf by the death of her huſband, than ſhe married that nobleman[b]; and ſhe had born him four ſons, Guy, William, Geoffrey, and Aymer, whom ſhe ſent over into England to pay a viſit to their brother. The good-natured and affectionate diſpoſition of Henry was moved at the ſight of ſuch near relations; and he conſidered neither his own circumſtances, nor the humours of his people, in the honours and riches, which he conferred upon 1247.

[z] Rymer, vol. i. p. 383.
[a] Chron. Dunſt. vol. i. p. 150.
[b] Trivet, p. 174.

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them [c]. Complaints roſe as high againſt the credit of the Gaſcon as ever they had done againſt that of the Poictevin and of the Savoyard favourites; and to a nation prejudiced againſt them, all their meaſures appeared criminal and exceptionable. Violations of the great charter were frequently mentioned; and it is indeed more than probable, that foreigners, ignorant of the laws, and relying on the boundleſs affections of a weak prince, would, in an age, when a regular adminiſtration was not any where known, pay more attention to their preſent intereſt than to the liberties of the people. It is reported, that the Poictevins and other ſtrangers, when the laws were at any time appealed to, in oppoſition to their oppreſſions, ſcrupled not to reply, *What did the Engliſh laws ſignify to them? They minded them not.* And as words are often more offenſive than actions, this open contempt of the Engliſh tended much to aggravate the general diſcontent, and made every act of violence, committed by the foreigners, appear not only an injury, but an affront to them [d].

I RECKON not among the violations of the great charter ſome arbitrary exertions of prerogative, which Henry's neceſſities obliged him to practiſe, and which, without producing any diſcontent, were uniformly continued by all his ſucceſſors, till the laſt century. As the parliament often refuſed him ſupplies, and that in a manner ſomewhat rude and indecent [e], he obliged his opulent ſubjects, particularly the citizens of London, to grant him loans of money; and it is natural to imagine, that the ſame want of œconomy, which reduced him to the neceſſity of borrowing, would prevent him from being very punctual in the pay-

[c] M. Paris, p. 491. M. Weſt. p. 338. Knyghton, p. 2436.
[d] M. Paris, p. 566. 666. Ann. Waverl. p. 214. Chron. Dunſt. vol. i. p. 335.
[e] M. Paris, p. 301.

ment.

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ment[f]. He demanded benevolences or pretended voluntary contributions from his nobility and prelates[g]. He was the firſt King of England ſince the conqueſt, who could fairly be ſaid to lye under the reſtraint of law; and he was alſo the firſt who practiſed the diſpenſing power, and employed the famous clauſe of *Non-obſtante* in his grants and patents. When objections were made to this novelty, he replied, that the Pope exerciſed that authority; and why might he not imitate the example? But the abuſe, which the Pope made of his diſpenſing power, in violating the canons of general councils, in invading the priviſeges and cuſtoms of all particular churches, and in uſurping on the rights of patrons, was more likely to excite the jealouſy of the people, than to reconcile them to a ſimilar practice in their civil government. Roger de Thurkeſby, one of the King's juſtices, was ſo diſpleaſed with the precedent, that he exclaimed, *Alas! what times are we fallen into? Behold, the civil court is corrupted in imitation of the eccleſiaſtical, and the river is poiſoned from that fountain.*

THE King's partiality and profuſe bounty to his foreign relations, and to their friends and favourites, would have appeared more tolerable to the Engliſh, had any thing been done meanwhile for the honour of the nation, or had Henry's enterprizes in foreign countries, been attended with any ſucceſs or glory to himſelf or to the public: At leaſt, ſuch military talents in the King would have ſerved to keep his barons in awe, and have given weight and authority to his government. But though he declared war againſt Lewis IX. in 1242, and made an expedition into Guienne, upon the invitation of his father in law, the count de la Marche, who promiſed to join him with all his forces; he was

[f] M. Paris, p. 406.

[g] M. Paris, p. 507.

unſucceſsful

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1247. unſucceſsful in his attempts againſt that great monarch, was worſted at Taillebourg, was deſerted by his allies, loſt what remained to him of Poictou, and was obliged to return, with ſome loſs of honour, into England[h]. The Gaſcon nobility were attached to the Engliſh government; becauſe the diſtance of their ſovereign allowed them to remain in a ſtate of almoſt total

1253. independance: And they claimed, ſome time after, Henry's protection againſt an invaſion, which the King of Caſtile made upon that territory. Henry returned into Guienne, and was more ſucceſsful in this expedition; but he thereby involved himſelf and his nobility in an enormous debt, which both encreaſed their diſcontents, and expoſed him to greater danger from their enterprizes[i].

WANT of œconomy and an ill judged liberality were Henry's great defects; and his debts, even before this expedition, had become ſo troubleſome to him, that he ſold all his plate and jewels, in order to diſcharge them. When this expedient was firſt propoſed to him, he aſked, where he would find purchaſers? It was replied, the citizens of London. *On my word*, ſaid he, *if the treaſury of Auguſtus were brought to market, the citizens are able to be the purchaſers: Theſe clowns, who aſſume to themſelves the name of barons, abound in every thing, while we are reduced to neceſſities*[k]. And he was thenceforth obſerved to be more forward and greedy in his exactions upon the citizens[l].

Eccleſiaſtical grievances.

BUT the grievances, which the Engliſh had reaſon to complain of in the civil government during this reign, ſeem to have

[h] M. Paris, p. 393, 394. 398, 399. 405. W. Heming. p. 574. Chron. Dunſt. vol. i. p. 153. [i] M. Paris, p. 614. [k] M. Paris, p. 501.
[l] M. Paris, p. 501. 507. 518. 578. 606. 625. 648.

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been ſtill leſs burthenſome than thoſe which they underwent from the uſurpations and exactions of the court of Rome. On the death of Langton in 1228, the monks of Chriſt-church elected Walter de Hemeſham, one of their own body, for his ſucceſſor: But as Henry refuſed to confirm the election, the Pope, at his deſire, annulled it [m]; and immediately appointed Richard, chancellor of Lincoln, for archbiſhop, without waiting for a new election. On the death of Richard in 1231, the monks elected Ralph de Neville biſhop of Chicheſter; and though Henry was much pleaſed with the election, the Pope, who thought that prelate too much attached to the crown, aſſumed the power of annulling his election [n]. He rejected two clergymen more, whom the monks had ſucceſſively choſen; and he at laſt told them, that, if they would elect Edmond, treaſurer of the church of Saliſbury, he would confirm their choice; and his nomination was complied with. The Pope had the prudence to appoint both times very worthy primates; but men could not forbear obſerving his intention of thus drawing gradually to himſelf the right of beſtowing that important dignity.

THE avarice, however, more than ambition of the ſee of Rome, ſeems to have been in this age the ground of general complaint. The papal miniſters, finding a vaſt ſtock of power, amaſſed by their predeceſſors, were deſirous of turning it to preſent profit, which they enjoyed at home, rather than of enlarging their authority in diſtant countries, where they never intended to reſide. Every thing was become venal in the Romiſh tribunals; ſimony was openly practiſed; no favours and even no juſtice could be obtained without a bribe; the higheſt bidder

[m] M. Paris, p. 244.

[n] M. Paris, p. 254.

was

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was ſure to have the preference, without regard either to the merits of the perſon or of the cauſe; and beſides the uſual perverſions of right in the deciſion of controverſies, the Pope openly aſſumed an abſolute and uncontroled authority of ſetting aſide, by the plenitude of his apoſtolic power, all particular rules and all privileges of patrons, churches and convents [o]. On pretence of remedying theſe abuſes, Pope Honorius, in 1226, complaining of the poverty of his ſee as the ſource of all grievances, demanded from every cathedral two of the beſt prebends, and from every convent two monks portions, to be ſet apart as a perpetual and ſettled revenue of the papal crown; but all men being ſenſible, that the revenue would continue for ever, and the abuſes immediately return, his demand was unanimouſly rejected [p]. About three years after, the Pope demanded and obtained the tenth of all eccleſiaſtical revenues, which he levied in a very oppreſſive manner; requiring payment before the clergy had drawn their rents or tythes, and ſending about uſurers, who advanced them the money at exorbitant intereſt [q]. In the year 1240, Otho, the legate, having in vain attempted the clergy in a body, obtained ſeparately, by intrigues and menaces, large ſums from the prelates and convents, and on his departure is ſaid to have carried more money out of the kingdom than he left in it [r]. This experiment was renewed four years after with equal ſucceſs by Martin the nuncio, who brought from Rome powers of ſuſpending and excommunicating all clergymen, that refuſed to comply with his demands [s]. The King, who relied

[o] M. Paris, p. 290. 308. 345. 375. 421. 469. 483. 537. 609. Ann. Burt. p. 309. M. Weſt. p. 305. 313. 333. 336.

[p] M. Paris, p. 226, 227, 228.

[q] M. Paris, p. 248.

[r] M. Paris, p. 355. 360. 361. 366. 371. Chron. Duſt. vol. i. p. 161. M. Weſt. p. 284.

[s] M. Paris, p. 434.

on

on the Pope for the ſupport of his tottering authority, never failed to countenance theſe exactions [t]. CHAP. XII. 1253.

MEAN while, all the chief benefices of the kingdom were conferred on Italians; great numbers of that nation were ſent over at one time to be provided for; non-reſidence and pluralities were carried to an enormous height; Manſel, the King's chaplain, is computed to have held at once ſeven hundred eccleſiaſtical livings [u]; and the abuſes became ſo evident as to be palpable to the blindneſs of ſuperſtition itſelf. The people, entering into aſſociations, roſe in tumults againſt the Italian clergy; pillaged their barns; waſted their fields; inſulted the perſons of ſuch of them as they found in the kingdom [x]; and when the juſticiaries made enquiry into the authors of this diſorder, the guilt was found to involve ſo many, and thoſe of ſuch high rank, that it paſſed unpuniſhed. At laſt, when Innocent IV. in 1245, called a general council at Lyons, in order to excommunicate the emperor Frederic, the King and nobility ſent over agents to complain before the council of the avarice of the Romiſh church. They repreſented among many other grievances, that the benefices of the Italian clergy in England had been eſtimated, and were found to amount to 60,000 marks [y] a year, a ſum which exceeded the annual revenue of the crown itſelf [z]. They obtained only an evaſive anſwer from the Pope; but as mention had been made before the council, of the feudal ſub-

[t] M. Paris, p. 376. 612, 613. [u] M. Paris, p. 575. M. Weſt. p. 383.

[x] Rymer, vol. i. p. 323. M. Paris, p. 255. 257. Ann. Burt. p. 280, 281. Chron. Dunſt. vol. i. p. 207.

[y] Innocent's bull in Rymer, vol. i. p. 471. ſays only 50,000 marks a year.

[z] M. Paris, p. 451. The cuſtoms were part of Henry's revenue, and amounted to 6000 pounds a year: They were at firſt ſmall ſums paid by the merchants for the uſe of the King's warehouſes, meaſures, weights, &c. See Gilbert's hiſtory of the Exch. p. 214.

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jection of England to the ſee of Rome, the Engliſh agents, at whoſe head was Roger Bigod, earl of Norfolk, exclaimed againſt that pretenſion, and inſiſted, that King John had no right, without the conſent of his barons, to ſubject the kingdom to ſo ignominious a ſervitude[z]. The Popes indeed, afraid of carrying matters too far againſt England, ſeem thenceforth to have little inſiſted on that exorbitant pretenſion.

1253.

THIS check, received at the council of Lyons, was not able to ſtop the court of Rome in its career: Innocent exacted the revenues of all vacant benefices, the twentieth of all eccleſiaſtical revenues without exception; the third of ſuch as exceeded a hundred marks a year; the half of ſuch as were poſſeſſed by non-reſidents[a]. He claimed the goods of all inteſtate clergymen[b]; he pretended a title to inherit all money got by uſury; he levied voluntary contributions from the people; and when the King, contrary to his uſual practice, prohibited theſe exactions, he threatened to denounce againſt him the ſame cenſures, which he had emitted againſt the emperor, Frederic[c].

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[z] M. Paris, p. 460.
[a] M. Paris, p. 480. Ann. Burt. p. 305. 373.
[b] M. Paris, p. 474.
[c] M. Paris, p. 476.

by

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by reaſon of the diſtance, as well as high ſpirit of this latter kingdom, ſhe was not able to maintain. After the death of the emperor, Frederic II. the ſucceſſion of Sicily devolved to Conradine, grandſon to that monarch; and Mainfroy, his natural ſon, under pretence of governing the kingdom during the infancy of the prince, had formed a ſcheme of eſtabliſhing his own authority. Pope Innocent IV. who had carried on violent war againſt the emperor, Frederic, and endeavoured to diſpoſſeſs him of his Italian dominions, ſtill continued hoſtilities againſt his grandſon; but being diſappointed in all his ſchemes by the activity and artifices of Mainfroy, he found, that his own force alone was not ſufficient to bring to a happy iſſue ſo great an enterprize. He pretended to diſpoſe of the Sicilian crown, both as ſuperior lord of that particular kingdom, and as vicar of Chriſt, to whom all kingdoms of the earth were ſubjected; and he made a tender of it to Richard earl of Cornwal, whoſe immenſe riches, he flattered himſelf, would be able to ſupport the military operations againſt Mainfroy. As Richard had the prudence to refuſe the preſent [d], he applied to the King, whoſe levity and thoughtleſs diſpoſition gave him more hopes of ſucceſs; and he offered him the crown of Sicily for his ſecond ſon, Edmond [e]. Henry, allured by ſo magnificent a gift, without reflecting on the conſequences, without conſulting either with his brother or the parliament, accepted of this inſidious propoſal; and gave the Pope unlimited credit to expend whatever ſums he thought neceſſary for compleating the conqueſt of Sicily. Innocent, who was engaged by his own intereſts to make war with Mainfroy, was glad to carry on his enterprizes at the expence of his ally: Alexander IV. who ſucceeded him in the papal throne, continued the ſame policy:

[d] M. Paris, p. 650.

[e] Rymer, p. 502. 512. 530. M. Paris, p. 599. 613.

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And Henry was ſurprized to find himſelf on a ſudden involved in an immenſe debt, which he had never been conſulted in contracting. The ſum already amounted to 135541 marks beſide intereſt[f]; and he had the proſpect, if he anſwered this demand, of being ſoon loaded with more exorbitant expences; if he refuſed it, of both incurring the Pope's diſpleaſure, and of loſing the crown of Sicily, which he hoped ſoon to have the glory of fixing on the head of his ſon.

He applied to the parliament for ſupply; and that he might be ſecure of not meeting with oppoſition, he ſent no writs to the more refractory barons: But even thoſe who were ſummoned, ſenſible of the ridiculous cheat, impoſed by the Pope, determined not to laviſh their money on ſuch chimerical projects, and making a pretext of the abſence of their brethren, they refuſed to take the King's demands into conſideration[g]. In this extremity the clergy were his only reſource; and as both their temporal and ſpiritual ſovereign concurred in loading them, they were ill able to defend themſelves againſt this united authority.

The Pope publiſhed a cruſade for the conqueſt of Sicily; and required every one, who had taken the croſs againſt the infidels, or had vowed to advance money for that enterprize, to turn the war againſt Mainfroy, a more terrible enemy, as he pretended, to the chriſtian faith than any Saracen[h]. He levied a tenth on all eccleſiaſtical benefices in England for three years; and gave orders to excommunicate all biſhops, who made not punctual payment. He granted to the King the goods of inteſtate clergymen; the revenues of vacant benefices; the revenues of all

[f] Rymer, vol. i. p. 587. Chron. Dunſt. vol. i. p. 319.
[g] M. Paris, p. 614. [h] Rymer, vol. i. p. 547, 548, &c.

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non-reſidents[1]. But theſe taxations, being levied by ſome rule, were deemed leſs grievous, than another arbitrary impoſition, which aroſe from the ſuggeſtion of the biſhop of Hereford, and which might have opened the door to endleſs and intolerable abuſes.

THAT prelate, who reſided at the court of Rome by a deputation from the Engliſh church, drew bills of different values, but amounting on the whole to 150540 marks, on all the biſhops and abbots of the kingdom; and granted theſe bills to Italian merchants, who, it was pretended, had advanced money for the ſervice of the war againſt Mainfroy[k]. As there was no likelihood of the Engliſh prelates ſubmitting, without compulſion, to ſuch an extraordinary demand, Ruſtand, the legate, was charged with the office of employing his authority to that purpoſe; and he ſummoned an aſſembly of the biſhops and abbots, whom he acquainted with the Pope's and the King's pleaſure. Great were the ſurprize and indignation of the aſſembly: The biſhop of Worceſter exclaimed, that he would loſe his life rather than comply: The biſhop of London ſaid, that the Pope and King were more powerful than he; but if his mitre were taken off his head, he would clap on a helmet in its place[l]. The legate was no leſs violent on the other hand; and he told the aſſembly, in plain terms, that all eccleſiaſtical benefices were the property of the Pope, and he might diſpoſe of them, either in whole or in part, as he ſaw proper[m]. In the end, the biſhop and abbots, being threatened with excommunication, which made all their revenues fall into the King's hands, were obliged to ſubmit to the exaction: And the only mitigation which the legate allowed

[1] Rymer, vol. i. p. 597, 598.
[l] M. Paris, p. 614.
[k] M. Paris, p. 612. 628. Chron. T. Wykes, p. 54.
[m] M. Paris, p. 619.

them,

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them, was, that the tenths, already granted, ſhould be accepted as a partial payment of the bills. But the money was ſtill inſufficient for the Pope's purpoſe: The conqueſt of Sicily was as remote as ever: The demands which came from Rome were endleſs: Pope Alexander became ſo urgent a creditor, that he ſent over a legate into England; threatening the kingdom with an interdict, and the King with excommunication, if the arrears, which he pretended to be due to him, were not inſtantly remitted[n]: And at laſt, Henry, ſenſible of the cheat, began to think of breaking off the agreement, and of reſigning into the Pope's hands that crown, which, it was not intended by Alexander, that he or his family ſhould ever enjoy[o].

Earl of Cornwal elected King of the Romans.

THE earl of Cornwal had now reaſon to value himſelf on his foreſight, in refuſing the fraudulent bargain with Rome, and in preferring the ſolid honours of an opulent and powerful prince of the blood in England, before the empty and precarious glory of a foreign dignity. But he had not always firmneſs ſufficient to adhere to this reſolution: His vanity and ambition prevailed at laſt over his prudence and his avarice; and he was engaged in an enterprize equally expenſive and vexatious as that of his brother, and not attended with much greater probability of ſucceſs. The immenſe opulence of Richard having made the German princes caſt their eye on him as a candidate for the empire; he was tempted to expend vaſt ſums of money on his election, and he ſucceeded ſo far as to be choſen King of the Romans, which ſeemed to render his ſucceſſion infallible to the imperial throne. He went over into Germany, and carried out of the kingdom no leſs a ſum than ſeven hundred thouſand

[n] Rymer, vol. i. p. 624. M. Paris, p. 648.

[o] Rymer, vol. i. p. 630.

marks,

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marks, if we may believe the account of ſome antient authors [p], which is probably much exaggerated [q]. His money, while it laſted, procured him friends and partizans: But it was ſoon drained from him by the rapacity of the German princes; and having no perſonal or family connexions in that country, no ſolid foundation of power, he found at laſt, that he had laviſhed away the frugality of a whole life, in order to procure a ſplendid title, and that his abſence from England, joined to the weakneſs of his brother's government, gave reins to the factious and turbulent diſpoſitions of the Engliſh barons, and involved his own country and family in infinite calamities.

Diſcontents of the barons.

THE ſucceſsful revolt of the nobility from King John, and their impoſing on him and his ſucceſſors limitations of the royal power, had made them feel their own weight and importance, had ſet a dangerous precedent of reſiſtance, and being followed by a long minority, had impoveriſhed, as well as weakened that crown, which they were at laſt induced, from the fear of worſe conſequences, to re-place on the head of young Henry. In the King's ſituation, either great abilities and vigour were requiſite to overawe the barons, or great caution and reſerve to give them no pretence for complaints; and it muſt be confeſſed, that this

[p] M. Paris, p. 638. The ſame author, a few pages before, makes Richard's treaſures amount to little more than half the ſum. p. 634. The King's diſſipations and expences, throughout his whole reign, according to the ſame author, had amounted only to about 940,000 marks. p. 638.

[q] The ſums mentioned by antient authors, who were all monks, are often improbable, and never conſiſtent. But we know from an infallible authority, the public remonſtrance to the council of Lyons, that the King's revenues were below 60,000 marks a year: His brother therefore could never have been maſter of 700,000 marks; eſpecially as he did not ſell his eſtates in England, as we learn from the ſame author: And we hear afterwards of his ordering all his woods to be cut down, in order to ſatisfy the rapacity of the German princes: His ſon ſucceeded to the earldom of Cornwal and his other revenues.

prince

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prince was poſſeſſed of neither of theſe talents. He had not prudence to chooſe right meaſures; he wanted even that conſtancy, which ſometimes gives weight to wrong ones; he was entirely abandoned to his favourites, who were always foreigners; he laviſhed on them without diſcretion his diminiſhed revenue; and finding, that his barons indulged their diſpoſition towards tyranny, and obſerved not to their own vaſſals the ſame rules, which they had impoſed on the crown, he was apt, in his adminiſtration, to neglect all the ſalutary articles of the great charter; which he remarked to be ſo little regarded by his nobility. This conduct had extremely leſſened his authority in the kingdom; had multiplied complaints againſt him; and had frequently expoſed him to affronts, and even to dangerous attempts upon his prerogative. In the year 1244, when he deſired a ſupply from parliament, the barons, complaining of the frequent breaches of the great charter, and of the many fruitleſs applications which they had formerly made for the redreſs of this and other grievances, demanded in return that he ſhould give them the nomination of the great juſticiary and of the chancellor, to whoſe hands chiefly the adminiſtration of juſtice was committed; and, if we may credit the hiſtorian [r], they had formed the plan of other limitations, as well as of aſſociations to maintain them, which would have reduced the King to be an abſolute cypher, and have held the crown in perpetual pupillage and dependance. The King, to ſatisfy them, would agree to nothing but a renewal of the charter, and a general permiſſion to excommunicate all the violaters of it: And he received no other ſupply, except their conſent to levy a ſcutage of twenty ſhillings on each knight's fee for the marriage of his eldeſt daughter to the King of Scot-

[r] M. Paris, p. 432.

land;

land; a burthen, which was expreſsly annexed to their feudal tenures.

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FOUR years after, in a very full parliament, when Henry demanded a new ſupply, he was openly reproached with the breach of his word, and the frequent violations of the charter. He was aſked, whether he did not bluſh to deſire any aid from his people, whom he profeſſedly hated and deſpiſed, to whom on all occaſions he preferred aliens and foreigners, and who groaned under the oppreſſions, which he either permitted or exerciſed over them. He was told, that, beſides diſparaging his nobility by forcing them to contract unequal and mean marriages with ſtrangers, no rank of men was ſo low as to eſcape vexations from him or his miniſters; that even the victuals conſumed in his houſhold, the cloaths which himſelf and his ſervants wore, ſtill more the wine, which they uſed, were all taken by violence from the lawful owners, and no compenſation was ever made them for the injury; that foreign merchants, to the great prejudice and infamy of the kingdom, ſhunned the Engliſh harbours, as if they were poſſeſſed by pyrates, and the commerce with all nations was thus cut off by theſe violences; that loſs was added to loſs, and injury to injury, while the merchants, who had been deſpoiled of their goods, were alſo obliged to carry them at their own charges to whatever place the King was pleaſed to appoint them; that even the poor fiſhermen on the coaſt could not eſcape his oppreſſions and thoſe of his courtiers; and finding that they had not the full liberty of diſpoſing of their commodities in the Engliſh market, were frequently conſtrained to carry them to foreign ports, and to hazard all the perils of the ocean rather than thoſe which awaited them from his oppreſſive emiſſaries; and that his very religion was a ground of complaint to his ſub-

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jects, while they obſerved, that the waxen tapers and ſplendid ſilks, employed in ſo many uſeleſs proceſſions, were the ſpoils which he had forcibly raviſhed from the true owners [z]. Throughout this remonſtrance, in which the complaints, derived from an abuſe of the antient right of purveyance, may be ſuppoſed to be ſomewhat exaggerated, there appears a ſtrange mixture of regal tyranny in the practices which gave riſe to it, and of ariſtocratical liberty or rather licentiouſneſs in the expreſſions employed by the parliament. But a mixture of this kind is obſervable in all the antient feudal governments; and both of them proved equally hurtful to the people.

As the King, in anſwer to their remonſtrance, gave the parliament only good words and fair promiſes, attended with the moſt humble ſubmiſſions, which they had often found deceitful, he obtained at that time no ſupply; and therefore in the year 1253, when he found himſelf again under the neceſſity of applying to parliament, he had provided himſelf of a new pretence, which he deemed infallible, and taking the vow of a Cruſade, he demanded their aſſiſtance in that pious enterprize [a]. The parliament, however, for ſome time ſcrupled compliance; and the eccleſiaſtical order ſent a deputation of four prelates, the primate, the biſhops of Wincheſter, Saliſbury, and Carliſle, in order to remonſtrate with him on his frequent violations of their privileges, the oppreſſions with which he had loaded them and all his ſubjects [b], and the uncanonical and forced elections, which were made to vacant dignities. "It is true," replied the King, "I have been ſomewhat faulty in this particular: I obtruded "you, my lord of Canterbury, upon your fee: I was obliged

[z] M. Paris, p. 498. See farther, p. 578. M. Weſt. p. 348.
[a] M. Paris, p. 518. 558. 568. Chron. Dunſt. vol. i. p. 293.
[b] M. Paris, p. 568.

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" to employ both entreaties and menaces, my lord of Win-
" chester, to have you elected: My proceedings, I confess, were
" very irregular, my lords of Salisbury and Carlisle, when I
" raised you from the lowest stations to your present dignities:
" I am determined henceforth to correct these abuses; and it
" will also become you, in order to make a thorough reforma-
" tion, to resign your present benefices; and try to enter again
" in a more regular and canonical manner[c]." The bishops, surprized at these unexpected sarcasms, replied, that the question was not at present how to correct past errors, but to avoid them for the future. The King promised redress both of ecclesiastical and civil grievances; and the parliament in return agreed to grant him a supply, a tenth of the ecclesiastical benefices and a scutage of three marks on each knight's fee: But as they had experienced his frequent breach of promise, they required, that he should ratify the great charter in a manner still more authentic and solemn than any which he had ever hitherto employed. All the prelates and abbots were assembled: They held burning tapers in their hands: The great charter was read before them: They denounced the sentence of excommunication against every one who should thenceforth violate that fundamental law: They threw their tapers on the ground, and exclaimed, *May the soul of every one, who incurs this sentence, so stink and corrupt in Hell!* The King bore a part in this ceremony; and subjoined; " So help me God, I will keep all these things inviolate, as I am
" a man, as I am a christian, as I am a knight, and as I am a
" King crowned and anointed[d]." Yet was the tremendous ceremony no sooner finished, than his favourites, abusing his

[c] M. Paris, p. 579. [d] M. Paris, p. 580. Ann. Burt. p. 323. Ann. Waverl. p. 210. W. Heming. p. 571. M. West. p. 353.

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weakneſs and facility, made him return to the ſame arbitrary and irregular adminiſtration; and the reaſonable expectations of his people were thus continually eluded and diſappointed [e].

1258. Simon de Mountfort earl of Leiceſter.

ALL theſe imprudent and illegal meaſures afforded a pretence to Simon de Mountfort, earl of Leiceſter, to attempt an innovation in the government, and to wreſt the ſcepter from the feeble and irreſolute hand which held it. This nobleman was a younger ſon of that Simon de Mountfort, who had conducted with ſuch valour and renown the Cruſade againſt the Albigenſes, and who, though he tarniſhed his famous exploits by cruelty and ambition, had left a name very precious to all the bigots of that age, particularly to the eccleſiaſtics. A large inheritance in England fell by ſucceſſion to this family; but as the elder brother enjoyed ſtill more opulent poſſeſſions in France, and could not perform fealty to two maſters, he transferred his right to Simon, his younger brother, who came over into England, did homage for his lands, and was raiſed to the dignity of earl of Leiceſter. In the year 1238, he eſpouſed Eleanor dowager of William earl of Pembroke, and ſiſter to the King [f]; but the marriage of this princeſs with a ſubject and a foreigner, though finiſhed with Henry's conſent, was loudly complained of by the earl of Cornwal, and all the barons of England; and Leiceſter was ſupported againſt their violence, entirely by the King's favour and authority [g]. But he had no ſooner eſtabliſhed himſelf in his poſſeſſions and dignities, than he acquired by inſinuation and addreſs, a ſtrong intereſt with the nation, and gained equally the affections of all orders of men. He loſt, however, the friendſhip of Henry from the uſual levity and fickleneſs of that prince; he was baniſhed the court; he was recalled; he was entruſted with the

[e] M. Paris, p. 597. 608. [f] M. Paris, p. 314. [g] M. Paris, p. 315.

command

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command of Guienne[h], where he did good ſervice and acquired honour; he was again diſgraced by the King, and his baniſhment from court ſeemed now final and irrevocable. Henry called him a traitor to his face: Leiceſter gave him the lye, and told him, that, if he were not his ſovereign, he would ſoon make him repent of that inſult. Yet was this quarrel accommodated either from the good-nature or timidity of the King; and Leiceſter was again admitted into ſome degree of favour and authority. But as this nobleman was become too great to preſerve an entire complaiſance to Henry's humours, and to act in ſubſerviency to his other minions; he found more advantage in cultivating his intereſt with the public, and in inflaming the general diſcontents, which prevailed againſt the adminiſtration. He filled every place with complaints againſt the infringement of the great charter, the violences committed on the people, the combination between the Pope and the King in their tyranny and extortions, Henry's neglect of his native ſubjects and barons; and though himſelf a foreigner, he was more loud than any in repreſenting the indignity of ſubmitting to the dominion of foreigners. By his hypocritical pretenſions to devotion, he gained the favour of the zealots and clergy: By his ſeeming concern for public good, he acquired the affections of the public: And beſides the private friendſhips, which he had cultivated with the barons, his animoſity againſt the favourites bred an union of intereſts between him and that powerful order.

A RECENT quarrel, which broke out between Leiceſter and William de Valence, Henry's half brother, and chief favourite, brought matters to extremity[i], and determined the former to give full ſcope to his bold and unbounded ambition, which the

[h] Rymer, vol. i. p. 459, 513.

[i] M. Paris, p. 649.

laws

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laws and the King's authority had hitherto with difficulty reſtrained. He ſecretly called a meeting of the moſt conſiderable barons, particularly Humphrey de Bohun, high conſtable, Roger Bigod, earl mareſchal, and the earls of Warwick and Gloceſter; men, who by their family and poſſeſſions ſtood in the firſt rank of the Engliſh nobility. He repreſented to this company the neceſſity of reforming the ſtate, and of putting the execution of the laws into other hands than thoſe which had hitherto appeared, from repeated experience, ſo unfit for the charge, with which they were entruſted. He exaggerated the oppreſſions exerciſed againſt the lower orders of the ſtate, the violations of the barons' privileges, the continued plunder of the clergy; and in order to aggravate the enormity of this conduct, he appealed to the great charter, which Henry had ſo often ratified, and which was calculated to prevent for ever the return of theſe intolerable grievances. He magnified the generoſity of their anceſtors, who, at an infinite expence of blood, had extorted that famous conceſſion from the crown; but lamented their own degeneracy, who allowed ſo great an advantage, once obtained, to be wreſted from them by a weak prince and by inſolent ſtrangers. And he inſiſted, that the King's word, after ſo many ſubmiſſions and fruitleſs promiſes on his part, could no longer be relied on; and that nothing but his abſolute inability to violate national privileges could henceforth enſure the regular obſervance of them.

THESE topics, which were founded in truth, and ſuited ſo well the ſentiments of the company, had the deſired effect; and the barons entered into a reſolution of redreſſing the public grievances, by taking into their own hands the adminiſtration of government. The King having ſummoned a parliament, in expectation of receiving ſupplies for his Sicilian project, the barons appeared

peared in the hall, clad in complete armour, and with their ſwords by their ſide; and the King on his entry, ſtruck with this unuſual appearance, aſked them what was their purpoſe, and whether they pretended to make him their priſoner[k]? Roger Bigod replied in the name of the reſt, that he was not their priſoner, but their ſovereign; that they even intended to grant him large ſupplies, in order to fix his ſon on the throne of Sicily; that they only expected ſome return for this expence and ſervice; and that, as he had frequently made ſubmiſſions to the parliament, had acknowledged his paſt errors, and had ſtill allowed himſelf to be carried into the ſame path, which gave them ſuch juſt reaſon of complaint, he muſt now yield to more ſtrict regulations, and confer authority on thoſe who were able and willing to redreſs the public grievances. Henry, partly allured by the hopes of ſupply, partly intimidated by the union and martial appearance of the barons, agreed to their demand; and promiſed to ſummon another parliament at Oxford, in order to digeſt the new plan of government, and to elect the perſons, who were to be entruſted with the chief authority.

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THIS parliament, which the royaliſts, and even the nation, from experience of the confuſions that attended its meaſures, afterwards denominated the *mad parliament*, met on the day appointed; and as all the barons brought along with them their military vaſſals, and appeared with an armed force, the King, who had taken no precautions againſt them, was in reality a priſoner in their hands, and was obliged to ſubmit to all the terms which they were pleaſed to impoſe upon him. Twelve barons were ſelected from the King's council; twelve more were choſen by parliament: To theſe twenty-four, unlimited authority was granted

11 June. Proviſions of Oxford.

[k] Annal. Theokeſbury.

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granted of reforming the ſtate; and the King himſelf took an oath, that he would maintain whatever ordinances they ſhould think proper to enact for that purpoſe[l]. Leiceſter was at the head of this ſupreme council, to which the legiſlative power was thus in reality transferred; and all their meaſures were taken by his ſecret influence and direction. Their firſt ſtep bore a ſpecious appearance, and ſeemed well calculated for the end, which they profeſſed to be the object of all theſe innovations: They ordered that four knights ſhould be choſen by each county; that they ſhould make enquiry into the grievances of which their neighbourhood had reaſon to complain, and ſhould attend the next enſuing parliament, in order to give information to that aſſembly of the ſtate of their particular counties[m]: A nearer approach to our preſent conſtitution than had been made by the barons in the reign of King John, when the knights were only appointed to meet in their counties, and there to draw up a detail of their grievances. Meanwhile the twenty-four barons proceeded to enact ſome regulations, in order to provide a redreſs for ſuch grievances as were ſuppoſed to be notorious to all the world. They ordered, that three ſeſſions of parliament ſhould be regularly held every year, in the months of February, June, and October; that a new high ſheriff ſhould be elected every year by the votes of the freeholders in each county[n]; that the ſheriffs ſhould have no power of fining the barons who did not attend their courts, or the circuits of the juſticiaries; that no heirs ſhould be committed to the wardſhip of foreigners, and no caſtles be entruſted to their cuſtody; and that no new warrens or foreſts ſhould be created, nor the revenues of any counties

[l] Rymer, vol. i. p. 655. Chron. Dunſt. vol. i. p. 334. Knyghton, p. 2445.
[m] M. Paris, p. 657. Addit. p 140. Ann. Burt. p. 412.
[n] Chron. Dunſt. vol. i. p. 336.

or

or hundreds be let to farm. Such were the regulations which the twenty-four barons enacted at Oxford, for the redreſs of public grievances [o]. CHAP. XII. 1258.

But the earl of Leiceſter and his aſſociates, having advanced ſo far to ſatisfy the nation, inſtead of continuing in this popular courſe, or granting the King that ſupply which they had promiſed him, immediately made proviſions for the extenſion and continuance of their own exorbitant authority. They rouzed anew the popular clamour, which had long prevailed againſt foreigners; and they fell with the utmoſt violence on the King's half-brothers, who were ſuppoſed to be the authors of all national grievances, and whom Henry had no longer any power to protect. The four brothers, ſenſible of their danger, took to flight with an intention of making their eſcape out of the kingdom; they were eagerly purſued by the barons; Aymer, one of the brothers, who had been elected to the ſee of Wincheſter, took ſhelter in his epiſcopal palace, and carried the others along with him; they were ſurrounded in that place, and threatened to be dragged out by force, and to be puniſhed for their crimes and miſdemeanors; and the King, pleading the ſacredneſs of an eccleſiaſtical ſanctuary, was glad to extricate them from this danger by baniſhing them the kingdom [p]. In this act of violence, as well as in the former uſurpations of the barons, the queen and her uncles were thought to have ſecretly concurred, being jealous of the credit, acquired by the brothers, which, they imagined, had eclipſed and annihilated their own [q].

[o] Ann. Burt. p. 413.

[p] M. Paris, p. 654. Ann. Burt p. 411. Chron. T. Wykes, p. 53. W. Heming. p. 579. Chron. Buſt. p. 335. M. Weſt. p. 364. Ypod. Neuſt. p. 467. Knyghton, p. 2445.

[q] Ann. Waverl. p. 210.

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1258. Uſurpations of the barons.

BUT the ſubſequent proceedings of the twenty-four barons were ſufficient to open the eyes of the kingdom, and to prove their intention of reducing for ever both the King and the people under the arbitrary power of a very narrow ariſtocracy, which muſt at laſt have terminated either in anarchy, or in a violent uſurpation and tyranny. They pretended, that they had not as yet digeſted all the regulations neceſſary for the reformation of the ſtate, and for the redreſs of grievances; and that they muſt ſtill retain their power, till that great purpoſe was thoroughly effectuated: In other words, that they muſt be perpetual governors, and muſt continue to reform, till they were pleaſed to abdicate their authority. They formed an aſſociation among themſelves, and ſwore that they would ſtand by each other with their lives and fortunes: They diſplaced all the chief officers of the crown, the high juſticiary, the chancellor, the treaſurer; and advanced either themſelves or their own creatures in their ſtead: Even the offices of the King's houſhold were diſpoſed of at their pleaſure: The government of all the caſtles was put into hands in whom they found reaſon to confide: And the whole power of the ſtate being thus transferred to them, they ventured to impoſe an oath on every individual of the nation; in which the ſubjects were obliged to ſwear, under the penalty of being declared public enemies, that they would obey and execute all the regulations, both known and unknown, of the twenty-four barons: And all this, for the greater glory of God, the honour of the church, the ſervice of the King, and the advantage of the kingdom[r]. No one dared to withſtand this tyrannical authority: Prince Edward himſelf, the King's eldeſt ſon, a youth of eighteen years of age, who began to give indications of that great and manly ſpirit, which appeared throughout

[r] Chron. T. Wykes, p. 52.

the

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the whole courſe of his life, was, after making ſome oppoſition, conſtrained to take that oath, which really depoſed his father and his family from ſovereign authority[s]. Earl Warrenne was the laſt perſon in the kingdom, who could be brought to give the confederated barons this mark of ſubmiſſion. 1258.

But the twenty-four barons, not content with the uſurpation of the royal power, introduced an innovation in the conſtitution of parliament, which was of the utmoſt importance. They ordained, that that aſſembly ſhould chooſe a committee of twelve perſons, who ſhould, in the intervals of the ſeſſions, poſſeſs the authority of the whole parliament, and ſhould attend on a ſummons the perſon of the King, in all his motions. But ſo powerful were theſe barons, that this regulation was alſo ſubmitted to; the whole government was overthrown or fixed on new foundations; and the monarchy was totally ſubverted, without its being poſſible for the King to ſtrike a ſingle ſtroke in defence of the conſtitution againſt the newly erected oligarchy.

The report that the King of the Romans intended to pay a viſit to England, gave alarm to the ruling barons; and they dreaded leſt the extenſive influence and eſtabliſhed authority of that prince would be employed to reſtore the prerogatives of his family, and overturn their plan of government[t]. They ſent over the biſhop of Worceſter, who met him at St. Omars; aſked him in the name of the barons, the reaſon of his journey, and how long he intended to ſtay in England; and inſiſted, that before he entered the kingdom, he ſhould ſwear to obſerve the regulations eſtabliſhed at Oxford. On Richard's refuſal to take this oath, they prepared to reſiſt him as a public enemy; they fitted out a 1259.

[s] Ann. Burt. p. 411. [t] M. Paris, p. 661.

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fleet, assembled an army, and exciting the inveterate prejudices of the people against foreigners, from whom they had suffered so many oppressions, spread the report that Richard intended to restore by force the authority of his exiled brothers, and to violate all the securities provided for public liberty. The King of the Romans was at last obliged to submit to the terms required of him [u].

But the barons, in proportion to their continuance in power, began gradually to lose that popularity, which had assisted them in obtaining it; and men repined that regulations, which were only established during a time for the reformation of the state, were likely to become perpetual, and to subvert entirely the antient constitution. They dreaded, that the power of the nobles, which was always oppressive, would now exert itself without controul, by removing the counterpoise of the crown; and their apprehensions were encreased by some new edicts of the barons, which were plainly calculated to procure to themselves an impunity in all their violences. They appointed, that the circuits of the itinerant justices, the sole check on their arbitrary conduct, should be held only once in seven years; and men easily saw, that a remedy, which returned after such long intervals, against an oppressive power, which was perpetual, would prove totally insignificant and useless [x]. The cry became loud in the nation, that the barons should finish their intended regulations. The knights of the shires, who seem now to have been pretty regularly assembled, and sometimes in a separate house, made remonstrances against the slowness of their proceedings. They represented, that, though the King had performed

[u] M. Paris, p. 661, 662. Chron. T. Wykes, p. 53.
[x] M. Paris, p. 667. Trivet, p. 209.

all the conditions required of him, the barons had hitherto done nothing for the public good, and had only been careful to promote their own private advantage, and to commit injury on the crown; and they even appealed to prince Edward, and claimed his interpoſal for the intereſts of the nation, and the reformation of the government[y]. The prince replied, that though it was from conſtraint, and contrary to his private ſentiments, he had ſworn to adhere to the proviſions of Oxford, he was determined to obſerve his oath: But he ſent a meſſage to the barons, requiring them to bring their undertaking to a ſpeedy concluſion, and fulfil their engagements to the public: Otherwiſe, he menaced them, that, at the expence of his life, he would oblige them to do their duty, and would ſhed the laſt drop of his blood in promoting the intereſts, and ſatisfying the juſt wiſhes of the nation[z]. CHAP. XII. 1259.

THE barons, urged by ſo preſſing a neceſſity, publiſhed at laſt a new code of ordinances for the reformation of the ſtate[a]: But the expectations of the people were extremely diſappointed, when they found, that theſe conſiſted only of ſome trivial alterations on the municipal law; and ſtill more, when the barons pretended, that the taſk was not yet finiſhed, and that they muſt farther prolong their authority, in order to bring the work of reformation to the deſired period. The current of popularity was now much turned to the ſide of the crown; and the barons had little more to rely on for their ſupport, beſides the private influence and power of their families, which, though exorbitant, was likely to prove inferior to the combination of King and people. Even this baſis of power was daily weakened by their inteſtine jealouſies and animoſities; their antient and inveterate

[y] Annal. Burt. p. 427. [z] Ibid. [a] Ibid. p. 428, 439.

quarrels

CHAP. XII. 1259.

quarrels broke out when they came to divide the ſpoils of the crown; and the rivalſhip between the earls of Leiceſter and Gloceſter, the chief leaders among them, began to disjoint the whole confederacy. The latter, more moderate in his pretenſions, was deſirous of ſtopping or retarding the career of the barons' uſurpations; but the former, enraged at the oppoſition which he met with in his own party, pretended to throw up all concern in Engliſh affairs; and he retired into France[b].

THE kingdom of France, the only ſtate with which England had any conſiderable intercourſe, was at this time governed by Lewis IX. a prince of the moſt ſingular character, which is to be met with in all the records of hiſtory. This monarch united to the mean and abject ſuperſtition of a monk, all the courage and magnanimity of the greateſt hero; and, what may be deemed more extraordinary, the juſtice and integrity of the moſt diſintereſted patriot, the mildneſs and humanity of the moſt accompliſhed philoſopher. So far from taking advantage of the diviſions of the Engliſh, or attempting to expel thoſe dangerous rivals from the provinces, which they ſtill poſſeſſed in France; he had entertained many ſcruples with regard to the forfeiture pronounced againſt the King's father, had even expreſſed ſome intention of reſtoring the other provinces, and he was only prevented from taking that imprudent reſolution, by the united remonſtrances of his own barons, who repreſented the extreme danger of ſuch a meaſure[c], and, what had a greater influence on Lewis, the juſtice of puniſhing by a legal ſentence the barbarity and felony of John. Wherever this prince interpoſed in Engliſh affairs, it was always with an intention of compoſing the differences between the King and his nobility; he recommended to both parties

[b] Chron. Dunſt. vol. i. p. 348.

[c] M. Paris, p. 604.

every

every peaceable and reconciling meaſure; and he uſed all his authority with the earl of Leiceſter, his native ſubject, to bend him to a compliance with Henry. He made a treaty with England, at a time, when the diſtractions of that kingdom were at the greateſt height, and when the King's authority was totally annihilated; and the terms, which he granted, might, even in a more proſperous ſtate of their affairs, be deemed reaſonable and advantageous by the Engliſh. He yielded up ſome territories which had been conquered from Poictou and Guienne; he enſured the peaceable poſſeſſion of the latter province to Henry; he agreed to pay that prince a large ſum of money; and he only required that the King ſhould, in return, make a final ceſſion to France of Normandy, and the other provinces, which he could never entertain any hopes of recovering by force of arms[d]. This ceſſion was ratified by Henry, by his two ſons, and two daughters, and by the King of the Romans and his three ſons: Leiceſter alone, either moved by a vain arrogance, or deſirous to ingratiate himſelf with the Engliſh populace, proteſted againſt the deed, and inſiſted on the right, however diſtant, which might accrue to his conſort[e]. Lewis ſaw in this obſtinacy the unbounded ambition of the man; and as the barons inſiſted, that the money which was due by treaty, ſhould be at their diſpoſal, not at Henry's, he alſo ſaw, and probably with regret, the low condition to which this monarch, who had more erred from weakneſs than malice, was reduced by the turbulency of his own ſubjects.

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1259. 20th May.

BUT the ſituation of Henry changed ſoon after much to his advantage. The twenty-four barons had now enjoyed the 1261.

[d] Rymer, vol. i. p. 675. M. Paris, p. 566. Chron. T. Wykes, p. 53. Trivet, p. 208. M. Weſt. p. 371.

[e] Chron. T. Wykes, p. 53.

ſovereign

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ſovereign power near three years; and had viſibly employed it, not for the reformation of the ſtate, which was their firſt pretence, but for the aggrandizement of themſelves and of their families. The breach of truſt was apparent to all the world: Every order of men felt it and murmured againſt it: The diſſentions among the barons themſelves, which encreaſed the evil, made alſo the remedy more obvious and eaſy: And the ſecret deſertion in particular of the earl of Gloceſter to the crown, ſeemed to promiſe Henry certain ſucceſs in any attempt to reſume his authority. Yet dared he not to take that ſtep, ſo reconcilable both to juſtice and policy, without making a previous application to Rome, and deſiring an abſolution from his oaths and engagements.[f]

THE Pope was at that time very much diſſatisfied with the conduct of the barons; who, in order to gain the favour of the people and clergy of England, had expelled all the Italian eccleſiaſtics, had confiſcated their benefices, and ſeemed determined to maintain the liberties and privileges of the Engliſh church, in which the rights of patronage, belonging to their own families, were included. The extreme animoſity of the Engliſh clergy againſt the Italians, was alſo a ſource of his diſguſt to this order; and an attempt which had been made by them for farther liberty and independance on the civil power, was therefore leſs acceptable to the court of Rome. About the ſame time, that the barons at Oxford had annihilated the prerogatives of the monarchy, the clergy met in a ſynod at Merton, and paſſed ſeveral decrees, which were no leſs calculated to promote their own grandeur at the expence of the crown. They decreed, that it was unlawful to try the eccleſiaſtics by ſecular

f Ann. Burt. p. 389. g Rymer, vol. i. p. 755.

judges;

judges; that the clergy were not to regard any prohibitions from civil courts; that lay patrons had no right to confer ſpiritual benefices; that the magiſtrate was obliged, without farther enquiry, to impriſon all excommunicated perſons; and that antient uſage, without any particular grant or charter, was a ſufficient authority for any clerical poſſeſſions or privileges [f]. About a century ago, theſe claims would have been ſupported by the court of Rome beyond the moſt fundamental articles of faith: They were the chief points maintained by the great martyr, Becket; and his reſolution in defending them had exalted him to the high ſtation which he held in the catalogue of Romiſh ſaints: But principles were changed with the times: The Pope was become ſomewhat jealous of the great independance of the Engliſh church, which made them ſtand leſs in need of his protection, and even emboldened them to reſiſt his authority, and to complain of the preference given to the Italian courtiers, whoſe intereſts, it is natural to imagine, were the chief object of his concern. He was very ready, therefore, on the King's application, to annul theſe new conſtitutions of the church of England [g]. And at the ſame time, he abſolved the King and all his ſubjects from the oath, which they had taken to obſerve the proviſions of Oxford [h].

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PRINCE Edward, whoſe enlarged thoughts, though in ſuch early youth, had taught him the great prejudice, which his father had incurred, by his levity, inconſtancy and frequent breach of promiſe, refuſed for a long time to take advantage of this abſolution; and declared that the proviſions of Oxford, however unreaſonable in themſelves, and however abuſed by the

Prince Edward.

f Ann. Burt. p. 389. g Rymer, vol. i. p. 755.
h Rymer, vol. i. p. 722. M. Paris, p. 666. W. Heming. p. 580. Ypod. Neuſt. p. 468. Knyghton, p. 2446.

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barons, ought ſtill to be adhered to by thoſe who had ſworn to obſerve them [a]: He himſelf had been conſtrained by violence to take that oath; yet was he determined to keep it. By this ſcrupulous fidelity, the prince acquired the confidence of all parties, and was afterwards enabled to recover fully the royal authority, and to perform ſuch great actions both during his own reign and that of his father.

THE ſituation of England, during this period, as well as that of moſt European kingdoms, was ſomewhat peculiar. There was no regular military force maintained in the nation: The ſword, however, was not, properly ſpeaking, in the hands of the people: The barons were entruſted wholly with the defence of the community; and after any effort, which they made, either againſt their own prince, or againſt foreigners, as the military retainers departed to their own home, the armies were diſſolved, and could not ſpeedily be re-aſſembled at pleaſure. It was eaſy therefore, for a few barons, by a combination, to get the ſtart of the other party, to collect ſuddenly their troops, and to appear unexpectedly in the field with an army, which their antagoniſts, though equal or even ſuperior in power and intereſt, would not dare to encounter. Hence the ſudden revolutions, which were obſervable in theſe governments: Hence the frequent victories obtained without a blow by one faction over another: And hence it happened, that the ſeeming prevalence of a party, was ſeldom a prognoſtic of its long continuance in power and authority.

1262. THE King, ſo ſoon as he received the Pope's abſolution from his oath, accompanied with menaces of excommunication againſt

[a] M. Paris, p. 667.

all

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all oppoſers, truſting to the countenance of the church, to the ſupport promiſed him by many conſiderable barons, and to the returning favour of the people, immediately took off the maſk. After juſtifying his conduct by a proclamation, in which he ſet forth the private ambition, and the breach of truſt, conſpicuous in Leiceſter and his aſſociates, he declared that he had reſumed the government, and was determined thenceforth to exert the royal authority for the protection of his ſubjects. He removed Hugh le Deſpenſer and Nicholas de Ely, the high juſticiary and chancellor appointed by the barons; and put Philip Baſſet and Walter de Merton in their place. He ſubſtituted new ſheriffs in all the counties, men of character and reputation: He placed new governors in moſt of the caſtles: He changed all the officers of his houſhold: He ſummoned a parliament, in which the reſumption of his authority was ratified, with only five diſſenting voices: And the barons, after making one fruitleſs effort, to take the King by ſurprize at Wincheſter, were obliged to acquieſce in thoſe new regulations[a]. 23d April.

THE King, in order to cut off every objection to his conduct, offered to refer all the differences between him and the earl of Leiceſter, to Margaret queen of France[b]. The celebrated integrity of Lewis gave a mighty influence to any deciſion which iſſued from his court; and Henry probably hoped, that the gallantry, on which all barons, as true knights, valued themſelves, would make them aſhamed not to ſubmit to the award of that princeſs. Lewis merited the confidence repoſed in him. By an admirable conduct, probably as political as juſt, he continually interpoſed his good offices to allay the civil diſcords of the Eng-

[a] M. Paris, p. 668. Chron. T. Wykes, p. 55. [b] Rymer, vol. i. p. 724.

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1262. lish: He forwarded all healing measures, which might give security to both parties: And he still endeavoured, though in vain, to sooth by persuasion the fierce ambition of the earl of Leicester, and to convince him how much it was his duty to submit peaceably to the authority of his sovereign.

1263. THAT bold and artful conspirator was nowise discouraged with the bad success of his past enterprizes. The death of Richard earl of Glocester, who was his chief rival in power, and who, before his decease, had joined the royal party, seemed to open a new field to his violence, and to expose the throne to fresh insults and injuries. It was in vain, that the King professed his intentions of observing strictly the great charter, even of maintaining all the regulations made by the reforming barons at Oxford or afterwards, except those which entirely annihilated the royal authority: These powerful chieftains, now obnoxious to the court, could not peaceably resign the hopes of entire independance and uncontrouled power with which they had flattered themselves, and which they had so long enjoyed. Many of them engaged in Leicester's views, and among the rest, Gilbert, the young earl of Glocester, who brought him a mighty accession of power, from the extensive authority possest by that opulent family. Even Henry, son of the King of the Romans, commonly called Henry d'Allmaine, though a prince of the blood, joined the party of the barons against the King, the head of his own family. Leicester himself, who still resided in France, formed secretly the links of this great conspiracy, and planned the whole scheme of operations.

Civil wars of the barons.

THE princes of Wales, notwithstanding the great power of the monarchs, both of the Saxon and Norman line, still preserved

authority

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1263.

authority in their own country; and though they had often been conſtrained to pay tribute to the crown of England, they were with difficulty retained in ſubordination or even in peace; and almoſt throughout every reign ſince the conqueſt, had infeſted the Engliſh frontiers with ſuch petty incurſions and ſudden inroads, as ſeldom merited to have place in a general hiſtory. The Engliſh, ſtill contented with repelling their invaſions, and chacing them back into their mountains, had never purſued the advantages obtained againſt them, nor attempted, even under their greateſt and moſt active princes, to impoſe a total, or ſo much as a feudal ſubjection on the country. This advantage was reſerved to the preſent king, the weakeſt and moſt indolent. In the year 1237, Lewellyn, prince of Wales, declining in years and broke with infirmities, but ſtill more harraſſed with the rebellion and undutiful behaviour of his ſon, Griffin, had recourſe to the protection of Henry; and conſenting to ſubject his principality, which had ſo long maintained its independance, to vaſſalage under the crown of England, purchaſed ſecurity and tranquillity on theſe diſhonourable terms. His eldeſt ſon and heir, David, renewed the homage to England; and having taken his brother priſoner, delivered him into Henry's hands, who committed him to cuſtody in the Tower. That prince, endeavouring to make his eſcape, loſt his life in the attempt; and the prince of Wales, freed from the apprehenſions of ſo dangerous a rival, paid thenceforth leſs regard to the Engliſh monarch, and even renewed thoſe incurſions, by which the Welſh, during ſo many ages, had been accuſtomed to infeſt their borders. Lewellyn, however, the ſon of Griffin, who ſucceeded to his uncle, had been obliged to renew the homage, which was now claimed by England as an eſtabliſhed right; but he was well pleaſed to inflame thoſe civil diſcords, on which he reſted

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rested his present security, and founded his hopes of future independance. He entered into a confederacy with the earl of Leicester, and collecting all the force of his principality, invaded England with an army of 30,000 men. He ravaged the lands of Roger de Mortimer and of all the barons, who adhered to the crown [c]; he marched into Cheshire, and committed like depredations on prince Edward's territories; every place, where his disorderly troops appeared, was laid waste with fire and sword; and though Mortimer, a gallant and expert soldier, made stout resistance, it was found necessary, that the prince himself should head the army against this invader. Edward repulsed prince Lewellyn, and obliged him to take shelter in the mountains of North Wales: But he was prevented from making farther progress against the enemy, by the disorders, which soon after broke out in England.

THE Welsh invasion was the appointed signal for the malcontent barons to rise in arms; and Leicester coming over secretly from France, collected all the forces of his party, and commenced an open rebellion. He seized the person of the bishop of Hereford; a prelate very obnoxious to all the inferior clergy, on account of his devoted attachment to the court of Rome [d]. Simon, bishop of Norwich, and John Mansel, because they had published the Pope's bull, absolving the king and kingdom from their oaths to observe the provisions of Oxford, were made prisoners, and exposed to the rage of the party. The King's demesnes were ravaged with unbounded fury [e]; and as it was Leicester's interest to allure to his side, by the hopes of plunder, all the disorderly ruffians in England, he gave them a

[c] Chron. Dunst. vol. i. p. 354.
[d] Trivet, p. 211. M. West. p. 382. 392.
[e] Trivet, p. 211. M. West. p. 382.

general licence to pillage the barons of the oppoſite party, and even all neutral perſons. But one of the principal reſources of his faction was the populace of the cities, particularly of London; and as he had, by his hypocritical pretenſions to ſanctity, and his zeal againſt Rome, engaged the monks and lower eccleſiaſtics in his party, his dominion over the inferior ranks of men became abſolutely uncontrolable. Thomas Fitz-Richard, mayor of London, a furious and licentious man, gave the countenance of authority to theſe diſorders in the capital; and having declared war againſt the ſubſtantial citizens, he looſened all the bands of government, by which that turbulent city was commonly but ill reſtrained. On the approach of Eaſter, the zeal of ſuperſtition, the appetite for plunder, or what is often as prevalent with the populace as either of theſe motives, the pleaſure of committing havoc and deſtruction, prompted them to attack the unhappy Jews, who were firſt pillaged without reſiſtance, and then maſſacred, to the number of five hundred perſons[f]. The Lombard bankers were next expoſed to the rage of the people; and though, by taking ſanctuary in the churches, they eſcaped with their lives, all their money and goods became a prey to the licentious multitude. Even the houſes of the rich citizens, though Engliſh, were attacked by night; and way was made by ſword and by fire to the pillage of their goods, and often to the deſtruction of their perſons. The queen, who, though ſhe was defended by the Tower, was terrified by the neighbourhood of ſuch dangerous commotions, reſolved to go by water to the caſtle of Windſor; but as ſhe approached the bridge, the populace aſſembled againſt her: The cry ran, *drown the witch*; and beſides abuſing her with the moſt opprobrious language, and pelting her with rotten eggs and dirt, they

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[f] Chron. T. Wykes, p. 59.

had

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had prepared large ſtones to ſink her barge, when ſhe ſhould attempt to ſhoot the bridge; and ſhe was ſo frightened that ſhe returned to the Tower [g].

THE violence and fury of Leiceſter's faction had riſen to ſuch a height in all parts of England, that the King, unable to reſiſt their power, was obliged to ſet on foot a treaty of peace; and to make an accommodation with the barons on the moſt diſadvantageous terms [h]. He agreed to confirm anew the proviſions of Oxford, even thoſe which entirely annihilated the royal authority; and the barons were again re-inſtated in the ſovereignty of the kingdom. They reſtored Hugh le Deſpenſer to the office of high juſticiary; they appointed their own creatures ſheriffs in every county of England; they took poſſeſſion of all the royal caſtles and fortreſſes; they even named all the officers of the King's houſhold; and they ſummoned a parliament to meet at Weſtminſter, in order to ſettle more fully their plan of government. They here produced a new liſt of twenty-four barons, to whom they propoſed, that the adminiſtration ſhould be entirely committed; and they inſiſted, that the authority of this junto ſhould continue, not only during the reign of the King, but alſo during that of prince Edward.

18th July.

14th Oct.

THIS prince, the life and ſoul of the royal party, had unhappily, before the King's accommodation with the barons, been taken priſoner by Leiceſter in a parley at Windſor [i]; and this misfortune, more than any other incident, had determined Henry to ſubmit to the ignominious conditions impoſed upon him. But Edward, having recovered his liberty by the treaty,

[g] Chron. T. Wykes, p. 57. [h] Chron. Dunſt. vol. i. p. 338. Trivet, p. 211.
[i] M. Paris, p. 669. Trivet, p. 213.

employed

employed his activity in defence of the prerogatives of his family; and he gained a large party even among thoſe who had at firſt adhered with the greateſt zeal to the cauſe of the barons. His couſin, Henry d'Allmaine, Roger Bigod earl mareſhal, earl Warrenne, Humphrey Bohun earl of Hereford, John lord Baſſet, Ralph Baſſet, Hamon l' Eſtrange, Roger Mortimer, Henry de Piercy, Robert de Brus, Roger de Leyborne, with almoſt all the Lords Marchers, as they were called, on the borders of Wales and Scotland, the moſt warlike parts of the kingdom, declared in favour of the royal cauſe; and hoſtilities, which were ſcarce well compoſed, were again renewed in every part of England. But the near balance of the parties, joined to the univerſal clamour of the people, obliged the King and barons to open anew the negotiations for peace; and it was agreed by both ſides, to ſubmit the differences entirely to the arbitration of the King of France[k].

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THIS virtuous prince, the only man, who, in like circumſtances, could ſafely have been intruſted with ſuch an authority by a neighbouring nation, had never ceaſed to interpoſe his good offices between the Engliſh factions; and had even, during the ſhort interval of peace, invited over to Paris both the King and the earl of Leiceſter, in order to accommodate the differences between them; but found, that the fears and animoſities on both ſides, as well as the ambition of Leiceſter, were ſo violent, as to render all his endeavours ineffectual. But when this ſolemn appeal, ratified by the oaths and ſubſcriptions of the leaders, in each faction, was made to his judgment, he was not diſcouraged from purſuing his honourable purpoſe: He ſummoned the ſtates

Reference to the King of France.

[k] M. Paris, p. 668. Chron. T. Wykes, p. 58. W. Heming. p. 580. Chron. Dunſt. vol. i. p. 363.

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of France at Amiens; and there, in the preſence of that aſſembly, as well as in that of the King of England and Peter de Montfort, Leiceſter's ſon, he brought this great cauſe to a trial and examination. It appeared to him, that the proviſions of Oxford, even had they not been extorted by force, had they not been ſo exorbitant in their nature and ſubverſive of the antient conſtitution, were expreſsly eſtabliſhed as a temporary expedient, and could not, without breach of truſt, be rendered perpetual by the barons. He therefore annulled theſe proviſions; reſtored to the King the poſſeſſion of his caſtles, and the power of nomination to the great offices; allowed him to retain what foreigners he pleaſed in his kingdom, and even to confer on them places of truſt and dignity; and in a word, re-eſtabliſhed the royal power on the ſame footing, on which it ſtood before the meeting of the famous parliament at Oxford. But while he thus ſuppreſſed dangerous innovations, and preſerved unimpaired the prerogatives of the Engliſh crown, he was not negligent of the rights of the people; and beſides ordering that a general amneſty ſhould be granted for all paſt offences, he declared that his award was not any wiſe meant to derogate from the privileges and liberties, which the nation enjoyed by any former conceſſions or charters of the crown[l].

23d Jan.

THIS equitable ſentence was no ſooner known in England, than Leiceſter and his confederates determined to reject it, and to have recourſe to arms, in order to procure to themſelves more ſafe and advantageous conditions from the King[m]. Without regard to his oaths and ſubſcriptions, that enterprizing conſpirator directed his two ſons, Richard and Peter de Montfort, in conjunction with Robert de Ferrars, earl of Derby, to attack the

Renewal of the civil wars.

[l] Rymer, vol. i. p. 776, 777, &c. Chron. T. Wykes, p. 58. Knyghton, p. 2446.
[m] Chron. Dunſt. vol. i. p. 363.

city

city of Worceſter; while Henry and Simon de Montfort, two others of his ſons, aſſiſted by the prince of Wales, were ordered to commit ravages on the eſtate of Roger de Mortimer. He himſelf reſided at London; and employing as his inſtrument, Fitz-Richard, the ſeditious mayor, who had violently and illegally prolonged his authority, he wrought up that city to the higheſt ferment and agitation. The populace formed themſelves into bands and companies; choſe leaders; practiſed all military exerciſes; committed violence on the royaliſts: And to give them greater countenance in their diſorders, an aſſociation was entered into between the city and eighteen great barons, never to make peace with the King but by common conſent and approbation. At the head of thoſe who ſwore to maintain this aſſociation, were the earls of Leiceſter, Gloceſter and Derby, with le Deſpenſer, the chief juſticiary; men who had all previouſly ſworn to ſubmit to the award of the French monarch. Their only pretence for this breach of faith, was, that the latter part of Lewis's ſentence was, as they affirmed, a contradiction to the former: He ratified the charter of liberties, yet annulled the proviſions of Oxford; which were only calculated, as they maintained, to preſerve that charter; and without which, in their eſtimation, they had no ſecurity for its obſervance.

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THE King and prince, finding a civil war inevitable, prepared themſelves for defence; and ſummoning the military vaſſals from all quarters, and being reinforced by Baliol, lord of Galloway, Brus lord of Annandale, Henry Piercy, John Comyn[n], and other barons of the north, they compoſed an army, formidable as well from its numbers, as its military proweſs and experience. The firſt enterprize of the royaliſts was the attack of Northampton; which was defended by Simon de Montfort, with

[n] Rymer, vol. i. p. 772. M. Weſt. p. 385. Ypod. Neuſt. p. 469.

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1264. 5th April.

many of the principal barons of that party: And a breach being made in the walls by Philip Baſſet, the place was carried by aſſault, and both the governor and the garriſon were made priſoners of war[o]. The royaliſts marched thence to Leiceſter and Nottingham, both which places opened their gates to them[p]; and prince Edward proceeded with a detachment into the county of Derby, in order to ravage with fire and ſword the lands of the earl of that name, and take revenge on him for his diſloyalty[q]. Like maxims of war prevailed with both parties throughout England; and the kingdom was thus expoſed in a moment to greater devaſtation, from the animoſities of the rival barons, than it would have ſuffered from many years of foreign or even domeſtic hoſtilities, conducted by more humane and more generous principles.

THE earl of Leiceſter, maſter of London, and of the counties in the ſouth eaſt of England, formed the ſiege of Rocheſter[r], which alone held for the king in thoſe parts, and which, beſides earl Warrenne, the governor, was garriſoned by many noble and powerful barons of the royal party. The King and prince haſtened from Nottingham, where they were then quartered, to the relief of the place; and on their approach, Leiceſter raiſed the ſiege and retreated to London, which, being the center of his power, he was afraid, might, in his abſence, fall into the King's hands, either by force, or by a correſpondence with the principal inhabitants, who were all of them ſecretly inclined to the royal cauſe[s]. Reinforced by a body of 15000 citizens, and

[o] Chron. T. Wykes, p. 60. W. Heming. p. 581. Chron. Dunſt. p. 367. M. Weſt. p. 385.
[p] Chron. T. Wykes, p. 60. Knyghton, p. 2447.
[q] M. Weſt. p. 385.
[r] M. Paris, p. 669. Chron. T. Wykes, p. 61.
[s] W. Heming. p. 582. Chron. Dunſt. vol. i. p. 369.

having

having ſummoned his partizans from all quarters, he thought himſelf ſtrong enough to hazard a general battle with the royaliſts, and to determine the fate of the nation in one great engagement; which if it proved ſucceſsful, muſt be deciſive againſt the King, who had no retreat to his broken troops in thoſe parts; while Leiceſter himſelf, in caſe of any ſiniſter accident, could eaſily take ſhelter in the city. To give the better colouring to his cauſe, he previouſly ſent a meſſage with conditions of peace to Henry, ſubmiſſive in the language, but exorbitant in the demands[b]; and when the meſſenger returned with the lye and defiance from the King, the prince, and the King of the Romans, he ſent a new meſſage, renouncing, in the name of himſelf and of the aſſociated barons, all fealty and allegiance to Henry. He then marched out of the city with his army, divided into four bodies: The firſt commanded by his two ſons, Henry and Guy de Montfort, with Humphrey de Bohun, earl of Hereford, who had deſerted to the barons; the ſecond led by the earl of Gloceſter, with William de Montcheſney and John Fitz John; the third, compoſed of Londoners, under the command of Nicholas de Segrave; the fourth headed by himſelf in perſon. The biſhop of Chicheſter gave a general abſolution to the army, accompanied with aſſurances, that, if any of them fell in the action, they would infallibly be received into heaven, as the reward of their ſuffering in ſo meritorious a cauſe.

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LEICESTER, who poſſeſſed great talents for war, conducted his march with ſuch ſkill and ſecrecy, that he had well nigh ſurprized the royaliſts in their quarters at Lewes in Suſſex: But the promptitude of prince Edward ſoon repaired this negligence; and he led out the King's army to the field in three bodies. He

Battle of Lewes. 14th May.

[b] M. Paris, p. 669. W. Heming. p. 583.

himſelf

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himself conducted the van, attended by earl Warrenne and William de Valence; The main body was commanded by the King of the Romans and his son Henry: The King himself was placed in the rear at the head of his principal nobility. Prince Edward rushed upon the Londoners, who had demanded the post of honour in leading the rebel army, but who, from their want of discipline and experience, were ill qualified to resist the gentry and military men, of whom the prince's body was composed. They were broke in an instant; were chased off the field; and Edward, transported by his martial ardour, and eager to revenge the insolence of the Londoners against his mother [d], put them to the sword for the length of four miles, without giving them any quarter, and without reflecting on the fate, which in the mean time attended on the rest of the army. The earl of Leicester seeing the royalists thrown into confusion by their eagerness in pursuit and plunder, led on his remaining troops against the bodies commanded by the two royal brothers: He defeated with great slaughter the forces led by the King of the Romans; and that monarch was obliged to yield himself prisoner to the earl of Gloucester: He penetrated to the body, where the King himself was placed, threw it into disorder, pursued his advantage, chased it into the town of Lewes, and obliged Henry to surrender himself prisoner [e].

PRINCE Edward, returning to the field of battle from his precipitate pursuit of the Londoners, was astonished to find it covered with the dead bodies of his friends, and still more to hear that his father and uncle were defeated and taken prisoners,

[d] M. Paris, p. 670. Chron. T. Wykes, p. 62. W. Heming. p. 583. M. West. p. 387. Ypod. Neust. p. 469. H. Knyghton, p. 2450.

[e] M. Paris, p. 670. M. West. p. 387.

and that Arundel, Comyn, Brus, Hamon l'Eſtrange, Roger Leybourne, and all the conſiderable barons of his party, were in the hands of the victorious enemy. Earl Warrenne, Hugh Bigod, and William de Valence, ſtruck with deſpair at this event, immediately took to flight, hurried to Pevencey, and made their eſcape beyond ſea[f]: But the prince, intrepid amidſt the greateſt diſaſters, exhorted his troops to revenge the death of their friends, to relieve the royal captives, and to ſnatch an eaſy conqueſt from an enemy, diſordered by their own victory[g]. He found his followers intimidated by their ſituation; while Leiceſter, afraid of a ſudden and violent blow from the prince, amuſed him by a pretence of negotiation, till he was able to recal his troops from the purſuit, and to bring them into order[h]. There now appeared no farther reſource to the royal party; ſurrounded by the armies and garriſons of the enemy, deſtitute of forage and proviſions, and deprived of their ſovereign, as well as of their principal leaders, who could alone inſpirit them to an obſtinate reſiſtance. The prince, therefore, was obliged to ſubmit to Leiceſter's terms, which were ſhort and ſevere, agreeably to the ſuddenneſs and neceſſity of the ſituation. He ſtipulated, that he and Henry d'Allmaine ſhould ſurrender themſelves priſoners as pledges in the place of the two kings; that all other priſoners on both ſides ſhould be releaſed[i]; and that in order to ſettle fully the terms of agreement, applications ſhould be made to the King of France, that he ſhould name ſix Frenchmen, three prelates and three noblemen: Theſe ſix to chooſe two others of their own country: And theſe two to chooſe one Engliſhman, who, in conjunction with themſelves, were to be inveſted by both parties with full powers to make what regulations they thought proper

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f Chron. T. Wykes, p. 63. g W. Heming. p. 584. h Ibid.
i M. Paris, p. 671. Knyghton, p. 2451.

for

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for the ſettlement of the kingdom. The prince and young Henry accordingly delivered themſelves into Leiceſter's hands, who ſent them under a guard to Dover caſtle. Such are the terms of agreement, commonly called the *Miſe* of Lewes, from an obſolete French term of that meaning: For it appears, that all the gentry and nobility of England, who diſdained the language of their native country, made familiar uſe of the French, till this period, and for ſome time after.

LEICESTER had no ſooner obtained this great advantage, and got the whole royal family in his power, than he openly violated every article of the treaty, and acted as ſole maſter, and even tyrant of the kingdom. He ſtill detained the King in effect a priſoner, and made uſe of that prince's authority to purpoſes the moſt prejudicial to his intereſts, and the moſt oppreſſive of his people[k]. He every where diſarmed the royaliſts, and kept all his own partizans in a military poſture[l]: He obſerved the ſame partial conduct in the delivery of the captives, and even threw many of the royaliſts into priſon beſide thoſe who were taken in the battle of Lewes: He carried the King from place to place, and obliged all the royal caſtles, on pretence of Henry's commands, to receive a governor and garriſon of his own appointment: All the officers of the crown and of the houſehold were named by him; and the whole authority, as well as arms of the ſtate, was lodged in his hands: He inſtituted in the counties a new kind of magiſtracy, endowed with new and arbitrary powers, that of conſervators of the peace[m]: His rapacious avarice appeared barefaced to the whole nation, and were ſufficient to make us queſtion the greatneſs of his ambition, at leaſt the large-

[k] Rymer, vol. i. p. 790, 791, &c. N°. 211, 212. Chron. T. Wykes, p. 63.

[l] Ibid. vol. i. p. 795. Brady's appeals,

[m] Rymer, vol. i. p. 792.

neſs

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neſs of his mind; if we had not reaſon to think, that he intended to employ his unbounded acquiſitions as the inſtruments for attaining farther power and grandeur. He ſeized no leſs than the eſtates of eighteen barons as his ſhare of the ſpoil gained in the battle of Lewes: He engroſſed to himſelf the ranſom of all the priſoners; and told his barons, with a wanton inſolence, that it was ſufficient for them, that he had ſaved them by that victory from the forfeitures and attainders, which hung over them[n]: He even treated the earl of Gloceſter in the ſame injurious manner, and turned to his own profit the ranſom of the King of the Romans, who had in the field of battle yielded himſelf priſoner to that nobleman. Henry, his eldeſt ſon, made a monopoly of all the wool of the kingdom, the only valuable commodity for foreign markets which it at that time produced[o]. The inhabitants of the cinque-ports, during the preſent diſſolution of government, betook themſelves to the moſt licentious piracy, made a prey of the ſhips of all nations, threw the mariners into the ſea, and by theſe practices ſoon baniſhed all merchants from the Engliſh coaſts and harbours. Every foreign commodity roſe to an exorbitant price; and woollen cloaths, which the Engliſh had not then the art of dying, were worn by them white, and without receiving the laſt hand of the manufacturer. In anſwer to the complaints which aroſe on this occaſion, Leiceſter replied, that the kingdom could well enough ſubſiſt within itſelf, and needed no intercourſe with foreigners. And it was found, that he even combined with the pyrates of the cinque ports, and received as his ſhare the third of their prizes[p].

[n] Knyghton, p. 2451.
[o] Chron. T. Wykes, p. 65.
[p] Chron. T. Wykes, p. 65.

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No farther mention was made of the reference to the King of France, ſo eſſential an article in the agreement of Lewes; and Leiceſter ſummoned a parliament, compoſed altogether of his own partizans, in order to rivet, by their authority, that power which he had acquired by ſo much violence, and which he uſed with ſo much tyranny and injuſtice. An ordinance was there paſſed, to which the King's conſent had been previouſly extorted, that every act of royal power ſhould be exerciſed by a council of nine perſons, who were to be choſen and removed by the majority of three, Leiceſter himſelf, the earl of Gloceſter, and the biſhop of Chicheſter[q]. By this intricate plan of government, the ſcepter was really put into Leiceſter's hands; as he had the entire direction of the biſhop of Chicheſter, and thereby commanded all the reſolutions of the council of three, who could appoint or diſcard at pleaſure every member of the ſupreme council.

But it was impoſſible that things could long remain in this ſtrange ſituation. It behoved Leiceſter either to deſcend with ſome peril into the rank of a ſubject, or to mount up with no leſs into that of a ſovereign; and his exorbitant ambition, unreſtrained by any fear or principle, gave too much reaſon to ſuſpect him of the latter intention. Mean while, he was expoſed to anxiety from every quarter; and felt that the ſmalleſt incident was capable of overturning that immenſe and ill-cemented fabric, which he had reared. The Queen, whom her huſband had left abroad, had collected in foreign parts an army of deſperate adventurers, and had aſſembled a great number of ſhips, with a view of invading the kingdom, and of bringing relief to her unfortunate family. Lewis, deteſting Leiceſter's uſurpations and perjuries,

[q] Rymer, vol. i. p. 793. Brady's App. N°. 213.

and

and diſguſted by the refuſal of the Engliſh barons, to ſubmit to his award, favoured all her enterprizes, and was generally believed to be making preparations for the ſame purpoſe. An Engliſh army, by the pretended authority of the captive King, was aſſembled on the ſea coaſt to oppoſe this projected invaſion[r]; but Leiceſter owed his ſecurity more to croſs winds, which long detained and at laſt diſſipated and broke the Queen's fleet, than to any reſiſtance, which, in their preſent ſituation, could be expected from the Engliſh[s]. CHAP. XII. 1264.

LEICESTER found himſelf better able to reſiſt the ſpiritual thunders, which were levelled againſt him. The Pope, ſtill adhering to the King's cauſe againſt the barons, diſpatched cardinal Guido as his legate into England, with orders to excommunicate the three earls, Leiceſter, Gloceſter, and Norfolk, by name, and all others in general, who concurred in the oppreſſion and captivity of their ſovereign[t]. Leiceſter menaced the legate with death, if he ſet his foot within the kingdom; but Guido, meeting in France the biſhops of Wincheſter, London, and Worceſter, who had been ſent thither on a negotiation, commanded them, under the penalty of eccleſiaſtical cenſures, to carry his bull into England, and to publiſh it againſt the barons. When the prelates arrived off the coaſt, they were boarded by the pyratical mariners of the cinque ports, to whom probably they gave a hint of the cargo, which they brought along with them: The bull was torn and thrown into the ſea; which furniſhed the artful prelates with a plauſible excuſe for not obeying the orders of the legate[u]. Leiceſter appealed from Guido to the Pope in

[r] Brady's App. No. 216, 217. Chron. Dunſt. vol. i. p. 373. M. Weſt. p. 385.
[s] Chron. Mailr. p. 226. Chron. T. Wykes, p. 63.
[t] Rymer, vol. i, p. 798. Chron. Dunſt. vol. i. p. 373.
[u] M. Paris, p. 671. T. Wykes, p. 65.

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1264. person; but before his ambassadors could reach Rome to defend his cause, the Pope was dead, and they found the legate himself, from whom they had appealed, seated on the papal throne, under the name of Urban IV. That daring leader was no wise dismayed with this event; and as he found that a great part of his popularity in England was founded on his opposition to Rome, which was now become odious, he persisted with the more obstinacy in the prosecution of his measures.

1265. 20th January. THAT he might both encrease, and turn to advantage his popularity, Leicester summoned a new parliament in London, where he knew his power was uncontrolable; and he fixed this assembly on a more democratical basis, than any which had ever been summoned since the foundation of the English monarchy. Besides the barons of his own party, and several ecclesiastics, who were not immediate tenants of the crown; he ordered returns to be made of two knights from every shire, and what is more remarkable, of deputies from the boroughs, which had always in former ages been esteemed of too mean a rank to be allowed a place in the national councils[u]. This period is commonly esteemed the epoch of the house of commons in England; and it is certainly the first time, that historians speak of any representatives sent to parliament by the boroughs. In all the general accounts given in preceding times of those assemblies, the nobility and barons only are mentioned as the constituent members; and even in the most particular narratives delivered of parliamentary transactions, as in the trial of Thomas a Becket, where the events of each day, and almost of each hour, are carefully recorded by contemporary authors[x], there is not, through-

House of commons.

[u] Rymer, vol. i. p. 802.

[x] Fitz-Stephen, Hist. Quadrip. Hoveden, &c.

out

out the whole, the leaſt appearance of a houſe of commons. But though that houſe derived its firſt exiſtence from ſo precarious and even ſo invidious an origin as Leiceſter's uſurpation, it proved ſoon, when ſummoned by the legal princes, one of the moſt uſeful, and, in proceſs of time, one of the moſt powerful members of the national conſtitution; and gradually reſcued the kingdom from ariſtocratical as well as from regal tyranny. But Leiceſter's policy, if we muſt aſcribe to him ſo great a bleſſing, only forwarded by ſome years an inſtitution, for which the general ſtate of things had already prepared the nation; and it is otherwiſe inconceivable, that a plant, ſet by ſo inauſpicious a hand, could have attained to ſo vigorous a growth, and have flouriſhed in the midſt of ſuch tempeſts and convulſions. The feudal ſyſtem, with which the liberty, much more the power of the commons, was totally incompatible, began gradually to decline; and both king and people, who felt its inconveniencies, contributed to favour this new power, which was more ſubmiſſive than the barons to the regular authority of the crown, and at the ſame time afforded protection to the inferior orders of the ſtate.

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LEICESTER, having thus aſſembled a parliament of his own model, and truſting to the attachment of the populace of London, ſeized the opportunity of cruſhing his rivals among the powerful barons. Robert de Ferrars, earl of Derby, was accuſed in the King's name, ſeized, and committed to cuſtody, without being brought to any legal trial [y]. John Gifford, menaced with the ſame fate, fled from London, and took ſhelter in the marches of Wales. Even the earl of Gloceſter, whoſe power and influence had ſo much contributed to the ſucceſs of the barons, but

[y] Chron. T. Wykes, p. 66. Ann. Waverl. p. 216.

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who was of late extremely diſguſted at Leiceſter's arbitrary conduct, found himſelf in danger from the prevailing authority of his ancient confederate; and he retired from parliament[z]. This known diſſenſion, gave courage to all Leiceſter's enemies and to the King's friends; who were now ſure of protection from ſo potent a leader. Though Roger Mortimer, Hamon L'Eſtrange, and other powerful marchers of Wales, had been obliged to leave the kingdom, their authority ſtill remained over the territories ſubjected to their juriſdiction; and there were many others who were diſpoſed to give diſturbance to the new government. The animoſities, inſeparable from the feudal ariſtocracy, broke out with freſh violence, and threatened the kingdom with new convulſions and diſorders.

THE earl of LEICESTER, ſurrounded with theſe difficulties, embraced a meaſure, from which he hoped to reap ſome preſent advantages, but which proved in the end the ſource of all his future calamities. The active and intrepid prince Edward had languiſhed in priſon ever ſince the fatal battle of Lewes; and as he was extremely popular in the kingdom, there aroſe a general deſire of ſeeing him again reſtored to liberty[a]. Leiceſter finding, that he could with difficulty oppoſe the concurring wiſhes of the nation, ſtipulated with the prince, that in return, he ſhould order his adherents to deliver up to the barons, all their caſtles, particularly thoſe on the borders of Wales; and ſhould ſwear neither to depart the kingdom during three years, nor introduce into it any foreign forces[b]. The King took an oath to the ſame effect, and he alſo paſſed a charter, in which he confirmed the agreement or *Miſe* of Lewes; and even per-

[z] M. Paris, p. 671. Ann. Waverl. p. 216.
[a] Knyghton, p. 2451.
[b] Ann. Waverl. p. 216.

mitted

mitted his ſubjects to riſe in arms againſt him, if he ſhould ever attempt to infringe it[c]. So little care had Leiceſter taken, though he conſtantly made uſe of the authority of this captive prince, to preſerve to him any appearance of royalty or kingly prerogatives. CHAP. XII. 1265.

In conſequence of this treaty, prince Edward was brought into Weſtminſter-hall, and was declared free by the barons: But inſtead of really recovering his liberty, as he had vainly expected, he found, that the whole tranſaction was a fraud on the part of Leiceſter; that he ſtill continued a priſoner at large, and was ſtrictly guarded by the emiſſaries of that nobleman; and that while the faction reaped all the benefit from the performance of his part of the treaty, care was taken that he himſelf ſhould enjoy no advantage by it. As Gloceſter, on his rupture with the barons, had retired for ſafety to his eſtates on the borders of Wales; Leiceſter followed him with an army to Hereford[d], continued ſtill to menace and negotiate, and that he might add authority to his cauſe, he carried both the King and prince along with him. The earl of Gloceſter here concerted with young Edward the manner of that prince's eſcape. He found means to convey to him a horſe of extraordinary ſwiftneſs; and appointed Roger Mortimer, who had returned into the kingdom, to be ready at hand with a ſmall party to receive the prince, and to guard him to a place of ſafety. Edward pretended to take the air with ſome of Leiceſter's retinue, who were his guards; and making matches between their horſes, after he thought he had tired and blown them ſufficiently, he ſuddenly 11th March. 28th May.

[c] Blackiſton's Mag. Charta. Chron. Dunſt. vol. i. p. 378.

[d] Chron. T. Wykes, p. 67. Ann. Waverl. p. 218. W. Heming. p. 585. Chron. Dunſt. vol. i. p. 383, 384.

mounted

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mounted Gloceſter's horſe, and called to his attendants, that he had long enough enjoyed the pleaſure of their company, and now bid them adieu. They followed him for ſome ſpace, without being able to overtake him; and the appearance of Mortimer with his company put an end to their purſuit[a].

THE royaliſts, ſecretly prepared for this happy event, immediately flew to arms; and the joy of this gallant prince's delivery, the oppreſſions under which the nation laboured, the expectation of a new ſcene of affairs, and the countenance of the earl of Gloceſter, procured Edward an army which Leiceſter was utterly unable to withſtand[a]. This nobleman found himſelf in a remote quarter of the kingdom, ſurrounded by his enemies, barred of all communication with his friends by the Severne, whoſe bridges Edward had broken down[b], and obliged to fight the cauſe of his party under ſuch multiplied diſadvantages. In this extremity he wrote to his ſon, Simon de Montfort, to haſten from London with an army for his relief; and Simon had advanced to Kenilworth, with that view; where fancying that all Edward's force and attention were directed againſt his father, he lay ſecure and unguarded. But the prince, making a ſudden and forced march, ſurprized him in his camp, diſſipated his army, and took the earl of Oxford, and many other noblemen priſoners, almoſt without reſiſtance[c]. Leiceſter, ignorant of his ſon's fate, paſſed the Severne in boats during Edward's abſence, and lay at Eveſham, in expectation of being every hour joined by his friends from London: When the prince, who made profit of every

[a] M. Paris, p. 672. Chron. T. Wykes, p. 97. Ann. Waverl. p. 218. W. Heming. p. 585. Knyghton, p. 2452.

[a] Chron. T. Wykes, p. 68.

[b] Chron. Dunſt. vol. i. p. 383.

[c] M. Paris, p. 672. Chron. Mailr. p. 230. Chron. T. Wykes, p. 69. Ann. Waverl. p. 219. W. Heming. p. 586. Knyghton, p. 2452.

favourable

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1265. Battle of Eveſham, and death of Leiceſter. 4th Auguſt.

favourable moment, appeared in the field before him. Edward made a body of his troops advance from the road which led to Kenilworth, and ordered them to carry the banners taken from Simon's army; while he himſelf, making a circuit with the reſt of his forces, propoſed to attack the enemy from the other quarter [d]. Leiceſter was long deceived by this ſtratagem, and took one diviſion of Edward's army for his friends; but at laſt, perceiving his miſtake, and obſerving the great ſuperiority and excellent diſpoſition of the royaliſts, he exclaimed, that they had learned from him their military order; adding, "The Lord have mercy "on our ſouls, for I ſee our bodies are the prince's [e]." The battle immediately began, though on very unequal terms. Leiceſter's army, by living in the mountains of Wales without bread, which was not then much uſed among the inhabitants [f], had been extremely weakened by ſickneſs and deſertion, and was ſoon broken by the victorious royaliſts; while his Welſh allies, accuſtomed only to a deſultory kind of war, immediately took to flight, and were purſued with great ſlaughter [g]. Leiceſter himſelf, aſking for quarter, was ſlain in the heat of the action, with his eldeſt ſon Henry, Hugh le Deſpenſer, and about one hundred and ſixty knights, and many other gentlemen of his party. The old King had been purpoſely placed by the rebels in the front of the battle; and being clad in armour, and thereby not known by his friends, he received a wound, and was in danger of his life: But crying out, *I am Henry of Wincheſter, your king*, he was ſaved; and put in a place of ſecurity by his ſon, who flew to his aſſiſtance [h].

[d] M. Paris, p. 672. Chron. Mailr. p. 231.
[e] M. Paris, p. 672. W. Heming. p. 586. Knyghton, p. 2453.
[f] Chron. T. Wykes, p. 69.
[g] Knyghton, p. 2453.
[h] Chron. de Mailr. p. 232. W. Heming. p. 587.

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THE violence, ingratitude, tyranny, rapacity, and treachery of the earl of Leiceſter, give a very bad idea of his moral character, and make us regard his death as the moſt happy event, which, in this conjuncture, could have happened to the Engliſh nation: Yet muſt we allow the man to have poſſeſſed great abilities, and the appearance of great virtues, who, though a ſtranger, could, at a time when ſtrangers were the moſt odious, and the moſt univerſally decried, have acquired ſo extenſive an intereſt in the kingdom, and have ſo nearly paved his way to the throne itſelf. His military capacity, and his political craft, were equally eminent: He poſſeſſed the talents both of governing men and conducting buſineſs: And though his ambition was boundleſs, it ſeems neither to have exceeded his courage nor his genius; and he had the happineſs of making the low populace, as well as the haughty barons, co-operate towards the ſucceſs of his ſelfiſh and dangerous purpoſes. A prince of greater ability and vigour than Henry might have directed the talents of this nobleman either to the exaltation of his throne, or to the good of his people: But the advantages given to Leiceſter, by the weak and variable adminiſtration of the King, brought on the ruin of royal authority, and produced infinite confuſions in the kingdom, which however in the end preſerved and extremely improved the national liberty and conſtitution. His popularity, even after his death, continued ſo great, that, though excommunicated by Rome, the people believed him to be a ſaint; and many miracles were ſaid to be wrought upon his tomb[1].

Settlement of the government.

THE victory of Eveſham, with the death of Leiceſter, proved deciſive in favour of the royaliſts, and made an equal, though a

[1] Chron. de Mailr. p. 232.

very

very oppoſite impreſſion on friends and enemies, in every part of England. The King of the Romans recovered his liberty: The other priſoners of the royal party were not only freed, but courted, by their keepers: Fitz-Richard, the ſeditious mayor of London, who had marked out forty of the moſt wealthy citizens for ſlaughter, immediately ſtopped his hand on receiving news of this great event: And almoſt all the caſtles garriſoned by the barons, haſtened to make their ſubmiſſions and to open their gates to the King. The iſle of Axholme alone, and that of Ely, truſting to the ſtrength of their ſituation, ventured to make reſiſtance; but were at laſt reduced, as well as the caſtle of Dover, by the valour and activity of prince Edward[k]. Adam de Gourdon, a courageous baron, maintained himſelf ſome time in the foreſts of Hampſhire, committed depredations in the neighbourhood, and obliged the prince to lead a body of troops into that country againſt him. Edward attacked the camp of the rebels; and being tranſported by the ardour of action, leapt over the trench with a few followers, and encountered Gourdon himſelf in ſingle combat. The victory was long diſputed between theſe valiant combatants; but ended at laſt in the prince's favour, who wounded his antagoniſt, threw him from his horſe, and took him priſoner. He not only granted him his life; but introduced him that very night to the Queen at Guilford, procured him his pardon, reſtored him to his eſtate, received him into favour, and was ever after very faithfully ſerved by him[l].

CHAP. XII. 1265.

1265.

A TOTAL victory of the ſovereign over ſo extenſive a rebellion commonly produces a revolution of government, and ſtrengthens, as well as enlarges, for ſome time, the prerogatives

[k] M. Paris, p. 676. W. Heming. p. 588.

[l] M. Paris, p. 675.

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of the crown: Yet no ſacrifices of national liberty were made on this occaſion; the great charter remained ſtill inviolate; and the King, ſenſible that his own barons, by whoſe aſſiſtance alone he had prevailed, were no leſs jealous of their independance than the other party, ſeems thenceforth to have more carefully abſtained from all thoſe exertions of arbitrary power, which had afforded ſo plauſible a pretence to the rebels. The clemency of this victory is alſo remarkable: No blood was ſhed on the ſcaffold: No attainders, except of the Mountfort family, were carried into execution: And though a parliament, aſſembled at Wincheſter, forfeited all thoſe, who had borne arms againſt the King, eaſy compoſitions were made with them for their lands[m]; and the higheſt ſum, levied on the moſt notorious offenders, exceeded not five years rent of their eſtate. Even the earl of Derby, who again rebelled, after having been pardoned and reſtored to his fortune, was obliged to pay only ſeven years rent, and was a ſecond time reſtored. The mild diſpoſition of the King, and the prudence of the prince, tempered the inſolence of victory, and gradually reſtored order to the ſeveral members of the ſtate, disjointed by ſo long a continuance of civil wars and commotions.

THE city of London, which had carried fartheſt the rage and animoſity againſt the King, and which ſeemed determined to ſtand upon its defence after almoſt all the kingdom had ſubmitted, was, after ſome interval, reſtored to moſt of its liberties and privileges; and Fitz-Richard, the mayor, who had been guilty of ſo much illegal violence, was only puniſhed by fine and impriſonment. The counteſs of Leiceſter, the King's ſiſter, who had been extremely forward in all attacks on the royal family, was

[m] M. Paris, p. 675.

diſmiſſed

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1266.

dismissed the kingdom with her two sons, Simon and Guy [n], who proved very ungrateful for this lenity. Five years afterwards, they assassinated, at Viterbo in Italy, their cousin Henry d'Allmaine, who at that very time was endeavouring to make their peace with the King; and by taking sanctuary in the church of the Franciscans, they escaped the punishment due to so great an enormity [o].

1267.

The merits of the earl of Gloucester, after he returned to his allegiance, had been so great, in restoring the prince to his liberty, and assisting him in his victories against the rebellious barons, that it was almost impossible to content him in his demands; and his youth and temerity, as well as his great power, tempted him, on some new disgust, to raise again the flames of rebellion in the kingdom. The mutinous populace of London, at his instigation, took to arms; and the prince was obliged to collect an army of 30,000 men, in order to suppress them [p]. Even this second rebellion did not provoke the King to any acts of cruelty; and the earl of Gloucester himself escaped with a total impunity. He was only obliged to enter into a bond of 20,000 marks, that he never again would be guilty of rebellion [q]: A strange method of enforcing the laws, and a proof of the dangerous independance of the barons in those ages! These potent nobles were, from the danger of the example, averse to the execution of the laws of forfeiture and felony against any of their brethren; though they could not with a good grace refuse to concur in obliging them to fulfil any voluntary contract and engagement, into which they had entered.

n Chron. T. Wykes, p. 72.

o Rymer, vol. i. p. 879. vol. ii. p. 4, 5. Chron. T. Wykes, p. 94. W. Heming. p. 589. Trivet, p. 240.

p Chron. T. Wykes, p. 79.

q Chron. T. Wykes, p. 81.

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THE prince, finding the ſtate of the kingdom tolerably compoſed, was ſeduced, by his avidity for glory, and by the prejudices of the age, as well as by the earneſt ſolicitations of the King of France, to undertake an expedition againſt the infidels in the Holy Land[r]; and he endeavoured previouſly to ſettle the ſtate in ſuch a manner, as to dread no bad effects from his abſence. As the dangerous power and turbulent diſpoſition of the earl of Gloceſter gave him apprehenſions, he inſiſted on carrying him along with him, in conſequence of a vow, which that nobleman had made to undertake the ſame voyage; and in the mean time, he obliged him to reſign ſome of his caſtles, and to enter into a new bond not to diſturb the peace of the kingdom[s]. He ſailed from England with an army; and arrived in Lewis's camp before Tunis in Africa, where he found that monarch already dead, from the intemperance of the climate and the fatigues of his enterprize. The great, if not only weakneſs of this prince in his government was the imprudent zeal for Cruſades; but it was this prepoſſeſſion chiefly that procured him from the clergy the title of St. Lewis, by which he is known in the French hiſtory; and if that appellation had not been ſo extremely proſtituted by the Romiſh church, as to become rather a term of reproach, he ſeems, by his uniform probity and goodneſs, as well as his piety, to have fully merited the title. He was ſucceeded by his ſon, Philip, denominated the Hardy; a prince of ſome merit, though much inferior to that of his father.

1270.

1271. PRINCE Edward, not diſcouraged by this event, continued his voyage to the Holy Land, where he ſignalized himſelf by acts of valour: Revived the glory of the Engliſh name in thoſe parts: And ſtruck ſuch terror into the Saracens, that they employed an

[r] M. Paris, p. 677. [s] Chron. T. Wykes, p. 90.
[s] M. Paris, p. 678, 679. W. Heming. p. 520.

aſſaſſin

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assassin to murder him, who wounded him in the arm, but perished in the attempt [t]. Mean while, his absence from England was attended with many of those pernicious consequences, which had been dreaded from it. The laws were not executed: The barons oppressed the common people with impunity [u]: They gave shelter on their estates to bands of robbers, whom they employed in committing ravages on the estates of their enemies: The populace of London returned to their usual licentiousness: And the old King, unequal to the burthen of public affairs, called aloud for his gallant son to return [x], and to assist him in swaying that sceptre, which was ready to drop from his feeble and uncertain hands. At last, overcome by the cares of government, and the infirmities of age, he visibly declined, and he expired at St. Edmondsbury in the 64th year of his age, and 56th of his reign; the longest reign which is to be met with in the English annals. His brother, the King of the Romans (for he never attained the title of emperor) died about seven months before him.

1271.

1272. 16th Novr. Death

THE most obvious circumstance of Henry the third's character is his incapacity for government, which rendered him as much a prisoner in the hands of his own ministers and favourites, and as little at his own disposal, as when detained a captive in the hands of his enemies. From this source, rather than from insincerity or treachery, arose his negligence in observing his promises; and he was too easily induced, for the sake of present convenience, to sacrifice the lasting advantages arising from the trust and confidence of his people. Hence were derived his profusion to favourites, his attachment to strangers, the

and character of the King.

[t] M. Paris, p. 678, 679. W. Heming. p. 520.

[u] Chron. Dunst. vol. i. p. 404.

[x] Rymer, vol. i. p. 869. M. Paris, p. 678.

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variableneſs of his conduct, his haſty reſentments, and his ſudden forgiveneſs and return of affection. Inſtead of reducing the dangerous power of his nobles, by obliging them to obſerve the laws towards their inferiors, and ſetting them the ſalutary example in his own government; he was ſeduced to imitate their conduct, and to make his arbitrary will, or rather that of his miniſters, the rule of his actions. Inſtead of accommodating himſelf, by a ſtrict frugality, to the embarraſſed ſituation in which his revenue had been left, by the military expeditions of his uncle, the diſſipations of his father, and the uſurpations of the barons; he was tempted to levy money by irregular exactions, which, without enriching himſelf, impoveriſhed, at leaſt diſguſted his people. Of all men, nature ſeemed leaſt to have fitted him for being a tyrant; yet are there inſtances of oppreſſion in his reign, which, though derived from the precedents left him by his predeceſſors, had been carefully guarded againſt by the great charter, and are inconſiſtent with all rules of good government. And on the whole, we may ſay, that greater abilities with his good diſpoſitions, would have prevented him from falling into his faults; or with worſe diſpoſitions, would have enabled him to maintain and defend them.

THIS prince was noted for his piety and devotion, and his regular attendance on public worſhip; and a ſaying of his on that head is much celebrated by antient writers. He was engaged in a diſpute with Lewis IX. of France, concerning the preference between ſermons and maſſes: He maintained the ſuperiority of the latter, and affirmed, that he would rather have one hour's converſation with a friend, than hear twenty the moſt elaborate diſcourſes, pronounced in praiſe of him [y].

[y] Walſing. Edw. I. p. 43.

HENRY

HENRY left two ſons, Edward his ſucceſſor, and Edmond earl of Lancaſter; and two daughters, Margaret queen of Scotland, and Beatrix dutcheſs of Britanny. He had five other children, who died in their infancy.

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THE following are the moſt remarkable laws enacted during this reign. There had been great diſputes between the civil and eccleſiaſtical courts about baſtardy. The common law had deemed all thoſe baſtards who were born before wedlock; By the canon law they were legitimate: And when any diſpute of inheritance aroſe, it had been formerly uſual for the civil courts to iſſue writs to the ſpiritual, directing them to enquire into the legitimacy of the perſon. The biſhop always returned an anſwer agreeable to the canon law, though contrary to the municipal law of the kingdom. For this reaſon, the civil courts had changed the nature of their writ, and inſtead of requiring the ſpiritual courts to enquire concerning the legitimacy of the perſon, they only propoſed the ſimple queſtion of fact, whether he was born before or after wedlock. The prelates complained of this practice to the parliament aſſembled at Merton in the twentieth of this King, and deſired that the civil law might be rendered conformable to the canon: But received from all the nobility the memorable reply: *Nolumus leges Angliæ mutare:* We will not change the laws of England[z]. Miſcellaneous tranſactions of this reign.

AFTER the civil wars, the parliament, ſummoned at Marlebridge, gave their approbation to moſt of the ordinances, which had been enacted by the reforming barons, and which,

[z] Statute of Merton, chap. 9.

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though advantageous to the ſecurity of the people, had not received the ſanction of a proper authority. Among other laws, it was there enacted, that all appeals from the courts of inferior lords ſhould be carried directly to the King's courts without paſſing through the courts of the lords immediately ſuperior[a]. It was ordained that money ſhould bear no intereſt during the minority of the creditor[b]. This law was very reaſonable, as the eſtates of minors were always in the hands of their lords, and the debtors could not pay intereſt where they had no revenue. The charter of King John had granted this indulgence: It was omitted in that of Henry III. for what reaſon is unknown; but it was renewed in the ſtatute of Marlebridge. Moſt of the other articles of this ſtatute are calculated to reſtrain the oppreſſions of ſheriffs, and the violences and iniquities committed in diſtraining cattle and other goods. Cattle and the inſtruments of huſbandry compoſed at that time the chief riches of the people.

In the 35th year of this King an aſſize was fixed of bread, the price of which was ſettled, according to the different prices of corn, from one ſhilling a quarter to ſeven ſhillings and ſix pence[c]. Theſe great variations alone are a proof of bad tillage[d]: Yet did the prices often riſe much higher, than any taken notice of by the laws. The Chronicle of Dunſtable tells us, that in this reign, wheat was once ſold for a mark, nay for a pound a quarter; that is, three pounds of our preſent money[e]. The

[a] Statute of Marleb. chap. 20. [b] Id. chap. 16. [c] Statutes at large, p. 6.

[d] We learn from Cicero's orations againſt Verres, lib. iii. cap. 84, 92, that the price of corn in Sicily was, during the praetorſhip of Sacerdos, five Denarius a Modius; during that of Verres, which immediately ſucceeded, only two Seſterces: That is, ten times lower; a preſumption, or rather a proof, of the very bad ſtate of tillage in antient times.

[e] So alſo Knyghton, p. 2444.

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ſame law affords us a proof of the little communication between the parts of the kingdom, from the very different prices which the ſame commodity bore at the ſame time. A brewer, ſays the ſtatute, may ſell two gallons of ale for a penny in cities, and three or four gallons for the ſame price in the country. At preſent, ſuch commodities, by the great conſumption of the people, and the great ſtocks of the brewers, are rather cheapeſt in cities. The Chronicle of Dunſtable obſerves, that wheat one year was ſold in many places for eight ſhillings a quarter, but never roſe in Dunſtable above a crown.

THOUGH commerce was ſtill very low, it ſeems rather to have encreaſed ſince the Conqueſt; at leaſt, if we may judge of the encreaſe of money by the price of bread. The medium between the higheſt and loweſt prices of wheat, aſſigned by the ſtatute, is four ſhillings and three pence a quarter, that is, twelve ſhillings and nine pence of our preſent money. This is near the half of the middling price in our time. Yet the middling price of cattle, ſo late as the reign of King Richard, we found to be above eight, near ten times, lower than the preſent. Is not the true inference, from comparing theſe facts, that in all uncivilized nations, cattle, which propagate of themſelves, bear always a lower price than corn, which requires more art and ſtock to raiſe it, than theſe nations are poſſeſſed of? It is to be remarked, that Henry's aſſize of corn was copied from a preceding aſſize eſtabliſhed by King John; and conſequently, the prices which we have here compared of corn and cattle may be looked on as contemporary; and they were drawn, not from one particular year, but from an eſtimation of the middling prices. It is true, the prices, aſſigned by the aſſize of Richard, were meant as a ſtandard for the accompts of ſheriffs and eſcheators; and as conſiderable pro-

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fits were allowed to them, we may naturally ſuppoſe, that the common value of cattle was ſomewhat higher: Yet ſtill, ſo great a difference between the prices of corn and cattle as that of four to one, compared to the preſent rates, affords important reflections concerning the very different ſtate of induſtry and tillage in the two periods.

INTEREST had in that age amounted to an enormous height, as might be expected from the barbariſm of the times and mens ignorance of commerce. There are inſtances of fifty per cent. payed for money[e]. Such profits tempted the Jews to remain in England, notwithſtanding the grievous oppreſſions to which they were continually expoſed from the prevalent bigotry and rapine of the age. It is eaſy to imagine how precarious their ſtate muſt be under an indigent prince, ſomewhat reſtrained in his tyranny over his native ſubjects, but who poſſeſſed an unlimited authority over them, the ſole proprietors of money in the kingdom, and hated on account of their riches, their religion, and their uſury: Yet will our ideas ſcarce come up to the extortions which in fact we ſhall find to have been practiſed upon them. In the year 1241, 20,000 marks were exacted from them[f]: Two years after, money was again extorted; and one Jew alone, Aaron of York, was obliged to pay above 4000 marks[g]: In 1250, Henry renewed his oppreſſions; and the ſame Aaron was condemned to pay him 30,000 marks upon an accuſation of forgery[h]: The high penalty impoſed upon him, and which, it ſeems, he was thought able to pay, is rather a preſumption of his innocence than of his guilt. In 1255, the King demanded 8000 marks from the Jews, and threatened to hang them, if they refuſed

e M. Paris, p. 586.
f M. Paris, p. 372.
g M. Paris, p. 410.
h M. Paris, p. 525.

compliance.

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compliance. They now loſt all patience, and deſired leave to retire with their effects out of the kingdom. But the King replied: "How can I remedy the oppreſſions you complain of? "I am myſelf a beggar. I am deſpoiled, I am ſtripped, of all "my revenues: I owe above 200,000 marks; and if I had ſaid "300,000, I ſhould not exceed the truth: I am obliged to pay "my ſon, prince Edward, 15,000 marks a year: I have not a "farthing; and I muſt have money, from any hand, from any "quarter, or by any means." He then delivered over the Jews to the earl of Cornwal, that thoſe whom the one brother had flead, the other might embowel, to make uſe of the words of the hiſtorian [i]. King John, his father, once demanded 10,000 marks from a Jew of Briſtol; and on his refuſal, ordered one of his teeth to be drawn every day till he ſhould conſent. The Jew loſt ſeven teeth; and then paid the ſum required of him [k]. One tallage laid upon the Jews in 1243 amounted to 60,000 marks [l].

To give a better pretence to extortions, the improbable and abſurd accuſation, which has been at different times advanced againſt that nation, was revived in England, that they had crucified a child in deriſion of our Saviour's ſufferings. Eighteen of them were hanged at once for this crime [m]: Though it is no wiſe credible, that even the antipathy born them by the Chriſtians, and the oppreſſions under which they laboured, would ever have puſhed them to be guilty of that dangerous enormity. But it is natural to imagine, that a race, expoſed to ſuch inſults and indignities both from King and people, and who had ſo uncertain an enjoyment of their riches, would carry uſury to the greateſt extremities, and by their great profits make themſelves ſome compenſation for their continued perils.

[i] M. Paris, p. 606. [k] Ibid. p. 160. [l] Madox, p. 152. [m] M. Paris, p. 613.

COMMERCE.

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1272.

COMMERCE muſt be in a wretched condition where intereſt was ſo high, and where the ſole proprietors of money employed it only in uſury, and were expoſed to ſuch rapine and injuſtice. But the bad police of the country was another obſtacle to improvements; and rendered all communication dangerous, and all property precarious. The Chronicle of Dunſtable ſays [b], that men during this reign were never ſecure in their houſes, and that whole villages were often plundered by bands of robbers, though no civil wars prevailed in the kingdom. In 1249, ſome years before the inſurrection of the barons, two merchants of Brabant came to the King at Wincheſter, and told him, that they had been deſpoiled of all their goods by certain robbers, whom they knew, becauſe they ſaw their faces every day in his court; that like practices prevailed all over England, and travellers were every day robbed, bound, wounded, and murdered; that theſe crimes eſcaped with impunity, becauſe the miniſters of juſtice themſelves were in a confederacy with the robbers; and that they for their part, inſtead of bringing matters to a fruitleſs trial by law, were willing, though merchants, to try their cauſe with the robbers by arms and a duel. The King, provoked at theſe abuſes, ordered a jury to be incloſed, and to try the robbers: The jury, though conſiſting of twelve men of property in Hampſhire, were found to be alſo in a confederacy with the felons, and acquitted them. Henry in a rage committed the jury to priſon, threatened them with ſevere puniſhment, and ordered a new jury to be encloſed, who, dreading the fate of their fellows, at laſt found a verdict againſt the criminals. Many of the King's own houſehold were diſcovered to have participated in the guilt; and they ſaid for their excuſe, that they received

[b] Vol. i. p. 155.

no wages from him, and were obliged to rob for a maintenance[c]. *Knights and eſquires*, ſays the Dictum of Kenelworth, *who were robbers, if they have no land, ſhall pay the half of their goods, and find ſufficient ſecurity to keep henceforth the peace of the kingdom.* Such were the manners of the times!

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One can the leſs repine, during the prevalence of ſuch manners, at the frauds and forgeries of the clergy; as it gives much leſs diſturbance to ſociety, to take men's money from them with their own conſent, though by deceits and lies, than to raviſh it by open force and violence. During this reign, the papal power was at its ſummit, and was even beginning inſenſibly to decline, by reaſon of the immeaſurable avarice and extortions of the court of Rome, which diſguſted the clergy as well as laity in every kingdom of Europe. England itſelf, though ſunk in the deepeſt abyſs of ignorance and ſuperſtition, had ſeriouſly entertained thoughts of ſhaking off the papal yoke[d]; and the Roman pontiff was obliged to think of new expedients for rivetting it faſter upon them. For this purpoſe, Gregory IX. publiſhed his decretals[e], which are a collection of forgeries, favourable to the court of Rome, and conſiſt of the ſuppoſed decrees of Popes in the firſt centuries. But theſe forgeries are ſo groſs, and confound ſo palpably all language, hiſtory, chronology, and antiquities; matters more ſtubborn than any ſpeculative truths whatever; that even that church, which is not ſtartled at the moſt monſtrous contradictions and abſurdities, has been obliged to abandon them to the critics. But in the dark age of the thirteenth century, they paſſed for undiſputed and authentic; and men, entangled in the mazes of this falſe literature, joined to the philoſophy, equally falſe, of the times, had nothing wherewithal to defend

[c] M. Paris, p. 509.

[d] M. Paris, p. 421.

[e] Trivet, p. 191.

themſelves,

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ſhemſelves, but ſome ſmall remains of common ſenſe, which paſſed for profaneneſs and impiety, and the indelible regard to ſelf-intereſt, which, as it was the ſole motive in the prieſts for framing theſe impoſtures, ſerved alſo, in ſome degree, to protect the laity againſt them.

ANOTHER expedient, deviſed by the church of Rome in this period for ſecuring her power, was the inſtitution of new religious orders, chiefly the Dominicans and Franciſcans, who proceeded with all the zeal and ſucceſs that attend novelties; were better qualified to gain the populace than the old orders, now become rich and indolent; maintained a perpetual rivalſhip with each other in promoting their gainful ſuperſtitions; and acquired a great dominion over the minds, and conſequently over the purſes of men, by counterfeiting a deſire of poverty and a contempt for riches. The quarrels, which aroſe between theſe orders, lying ſtill under the controul of the ſovereign pontiff, never diſturbed the peace of the church, and ſerved only as a ſpur to their induſtry in promoting the common cauſe; and though the Dominicans loſt ſome popularity by their denial of the immaculate conception, a point in which they unwarily engaged too far to be able to recede with honour, they counterbalanced this diſadvantage by acquiring more ſolid eſtabliſhments, by gaining the confidence of kings and princes, and by exerciſing the juriſdiction aſſigned them, of ultimate judges and puniſhers of hereſy. Thus, the ſeveral orders of monks became a kind of regular troops or garriſons of the Romiſh church; and though the temporal intereſts of ſociety, ſtill more thoſe of true piety, were hurt by their various devices to catch the populace, they proved the chief ſupports of that mighty fabric of ſuperſtition,

ſtition, and, till the revival of true learning, ſecured it from any dangerous invaſion.

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THIS King granted a charter to the town of Newcaſtle, where he gives the inhabitants a licence to dig coals. This is the firſt mention of coals in England.

WE learn from Madox[p], that this King gave at one time 100 ſhillings to maſter Henry, his poet: Alſo the ſame year he orders this poet ten pounds.

[p] p. 268.

CHAP. XIII.

EDWARD I.

Civil adminiſtration of the King——Conqueſt of Wales——Affairs of Scotland——Competitors for the crown of Scotland——Reference to Edward——Homage of Scotland——Award of Edward in favour of Baliol—War with France—Digreſſion concerning the conſtitution of parliament——War with Scotland——Scotland ſubdued——War with France——Diſſenſions with the clergy——Arbitrary meaſures——Peace with France——Revolt of Scotland——That kingdom again ſubdued—again revolts—is again ſubdued—Robert Bruce—Third revolt of Scotland——Death and character of the King——Miſcellaneous tranſactions of this reign.

CHAP. XIII. 1272.

THE Engliſh were as yet ſo little trained to obedience under a regular government, that the death of almoſt every King, ſince the conqueſt, had been attended with diſorders; and the council, reflecting on the recent civil wars, and on the animoſities which naturally remain after theſe great convulſions, had reaſon to apprehend very dangerous conſequences from the abſence of the ſon and ſucceſſor of Henry. They therefore haſtened to proclaim prince Edward, to ſwear allegiance to him, and to ſummon the ſtates of the kingdom, in order to provide for the public peace in this important conjuncture [a]. Walter Giffard, archbiſhop of York, the earl of Cornwal, ſon of Richard, King of the Romans, and the earl of Gloceſter, were appointed guardians of the kingdom, and pro-

[a] Rymer, vol. ii. p. 1. Walſing. p. 43. Trivet, p. 239.

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ceeded peaceably to the exercise of their authority, without either meeting with opposition from any of the people, or being disturbed with emulation and faction among themselves. The high character acquired by Edward during the late commotions, his military genius, his success in subduing the rebels, his moderation in settling the kingdom, had procured him great esteem, mixt with affection, among all orders of men; and no one could reasonably entertain hopes of making any advantage of his absence, or of raising disturbance in the nation. The earl of Gloceſter himself, whose great power, and turbulent spirit, had excited most jealousy, was forward to give proofs of his allegiance; and any malcontents, who remained, being destitute of a leader, were obliged to remain in submission to the government.

PRINCE Edward had reached Sicily in his return from the Holy Land, when he received information of the death of his father; and he discovered a deep concern on this occasion. At the same time he learned the death of an infant son, John, whom his princess, Eleanor of Castile, had born him at Acre in Palestine; and as he appeared much less affected with that misfortune, the King of Sicily expressed a surprize at this difference of sentiment: But was told by Edward, that the death of a son was a loss which he might hope to repair; the death of a father was a loss irreparable [b].

EDWARD proceeded homewards; but as he soon learned the quiet settlement of the kingdom, he was in no hurry to take possession of the throne, but spent near a year in France, before he made his appearance in England. In his passage by Chalons

[b] Walling. p. 44. Trivet, p. 240.

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1273. in Burgundy, he was challenged by the prince of that country to a tournament which he was preparing; and as Edward excelled in theſe martial and dangerous exerciſes, the true image of war, he declined not the opportunity of acquiring honour and renown, in that great aſſembly of the neighbouring nobles. But the image of war was here unfortunately turned into the thing itſelf. Edward and his retinue were ſo ſucceſsful in the jouſts, that the French knights, provoked at their ſuperiority, made a ſerious attack upon them, which was repulſed, and much blood was idly ſhed in the quarrel[c]. This rencounter received the name of the petty battle of Chalons.

EDWARD went from Chalons to Paris, and did homage to Philip for the dominions which he held in France[d]. He thence returned to Guienne, and gave a ſettlement to that province, which was in ſome confuſion. He made his journey to London through France; in his paſſage he accommodated at Montreuil a difference with Margaret, counteſs of Flanders, heireſs of that territory[e]; he was received with joyful acclamations by his people, and was ſolemnly crowned at Weſtminſter by Robert, archbiſhop of Canterbury.

1274.

19th Aug.

Civil adminiſtration of the King.

THE King immediately applied himſelf to the re-eſtabliſhment of his kingdom, and to the correcting of thoſe diſorders, which the civil commotions and the looſe adminiſtration of his father had introduced into every part of government. The plan of his policy was equally generous and prudent. He conſidered the great barons both as the immediate rivals of the crown, and the oppreſſors of the people; and he propoſed, by an exact

[c] Walſingh. p. 44. Trivet, p. 241. M. Weſt. p. 402. [d] Walſing. p. 45.
[e] Rymer, vol. ii. p. 32, 33.

diſtribution

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distribution of justice, and a rigid execution of the laws, to give at once protection to the inferior orders of the state, and to diminish the arbitrary power of the great, on which their dangerous authority was chiefly founded. Making it a rule in his own conduct to observe, except on extraordinary occasions, the privileges secured to them by the great charter, he acquired a right to insist upon their observance of the same charter towards their vassals and inferiors; and he made the crown be regarded by all the gentry and commonalty of the kingdom, as the great fountain of justice, and the general asylum against oppression. Besides enacting several excellent statutes, in a parliament which he summoned at Westminster, he took care to inspect the conduct of all his magistrates and judges, to displace such as were either negligent or corrupt, to provide them with sufficient force for the execution of justice, to extirpate all bands and confederacies of robbers, and to repress those more silent robberies, which were committed either by the power of the nobles, or under the countenance of public authority. By this rigid administration, the face of the kingdom was soon changed; and order and justice took place of violence and oppression: But amidst the excellent institutions and public-spirited plans of Edward, there still appears somewhat both of the severity of his personal character and of the prejudices of the times.

1275. 16th Feb.

As the various kinds of malefactors, the murderers, robbers, incendiaries, ravishers, and plunderers, had become so numerous and powerful, that the ordinary ministers of justice, especially in the western counties, were afraid to execute the laws against them, the King found it necessary to provide an extraordinary remedy for the evil, and he erected a new tribunal, which, however useful, would have been deemed, in times of more regular liberty, a great

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a great ſtretch of illegal and arbitrary power. It conſiſted of commiſſioners, who were empowered to enquire into diſorders and crimes of all kinds, and to inflict the proper puniſhments upon them. The officers, charged with this unuſual commiſſion, made their circuits throughout the counties of England moſt infected with this evil, and carried terror into all thoſe parts of the kingdom. In their zeal to puniſh crimes, they did not ſufficiently diſtinguiſh between the innocent and guilty; the ſmalleſt ſuſpicion became the ground of accuſation and trial; the ſlighteſt evidence was received againſt criminals; the priſons were crowded with malefactors, real or pretended; ſevere fines were levied for ſmall offences; and the King, tho' his exhauſted exchequer was ſupplied by this expedient, found it neceſſary to ſtop the courſe of ſo great rigour, and after terrifying and diſſipating by this tribunal the gangs of diſorderly people in England, he very prudently annulled the commiſſion [z]; and never afterwards renewed it.

AMONG the various diſorders, to which the kingdom was ſubject, no one was more univerſally complained of than the adulteration of the coin; and as this crime required more art than the Engliſh of that age, who chiefly employed force and violence in their iniquities, were poſſeſſed of, the imputation fell upon the Jews [a]. Edward alſo ſeems to have indulged a ſtrong prepoſſeſſion againſt that nation; and this ill-judged zeal for Chriſtianity being naturally augmented by an expedition to the Holy Land, he let looſe the whole rigour of his juſtice againſt this unhappy people. Two hundred and eighty of them were

[z] Spellman's Gloſſ. in verbo *Trailbaſton*. But Spellman was either miſtaken in placing this commiſſion in the fifth year of the King, or it was renewed in 1305. See Rymer, vol. ii. p. 960. Trivet, p. 338. M. Weſt. p. 453.

[a] Walſing. p. 48. Heming. vol. i. p. 6.

hanged

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hanged at once for this crime in London alone, beſides thoſe who ſuffered in other parts of the kingdom [b]. The houſes and lands, (for the Jews had of late ventured to make purchaſes of that kind) as well as the goods of great multitudes, were ſold and confiſcated: And the King, leſt it ſhould be ſuſpected, that the riches of the ſufferers were the chief part of their guilt, ordered one half of the money, raiſed by theſe confiſcations, to be ſet apart, and beſtowed upon ſuch as were willing to be converted to Chriſtianity. But the reſentment of their injuries was more prevalent over them, than the temptation from their poverty; and very few of them could be induced by intereſt to embrace the religion of their perſecutors. The miſeries of this people did not here terminate. Though the arbitrary talliages and exactions levied upon them, had yielded a conſtant and a conſiderable revenue to the crown; Edward, prompted by his zeal and his rapacity, reſolved ſome time after [c] to purge the kingdom entirely of that hated race, and to ſeize to himſelf at once their whole property as the reward of his labour [d]. He left them only money ſufficient to bear their charges into foreign countries, where new perſecutions and extortions awaited them: But the inhabitants of the cinque ports, imitating the bigotry and avidity of their ſovereign, deſpoiled moſt of them of this ſmall pittance, and even threw many of them into the ſea: A crime, for which the King, who was determined to be the ſole plunderer in his dominions, inflicted a capital puniſhment upon them. No leſs than fifteen thouſand Jews were at this time robbed of their effects and baniſhed the kingdom: Very few of that nation have ſince lived in England: And as it is impoſſible for a kingdom to ſubſiſt without lenders of money, and none will lend without

[b] T. Wykes, p. 167.
[c] In the year 1290.
[d] Walſing. p. 54. Heming. vol. i. p. 20. Trivet, p. 266.

a com-

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a compenſation, the practice of uſury, as it was then called, was thenceforth exerciſed by the Engliſh themſelves upon their fellow-citizens, or by Lombards and other foreigners. It is very much to be queſtioned, whether the dealings of theſe new uſurers were equally open and unexceptionable with thoſe of the old. By a law of Richard, it was enacted, that three copies ſhould be made of every bond given to a Jew; one to be put into the hands of a public magiſtrate, another into thoſe of a man of credit, and a third to remain with the Jew himſelf[e]. But as the canon law, ſeconded by the municipal, permitted no Chriſtian to receive intereſt, all tranſactions of this kind muſt, after the baniſhment of the Jews, have become more ſecret and clandeſtine, and the lender, of conſequence, be paid both for the uſe of his money, and for the infamy and danger which he incurred by lending it.

THE great poverty of the crown, though no excuſe, was probably the cauſe of this egregious tyranny exerciſed againſt the Jews; but Edward practiſed alſo other more honourable means of remedying that evil. He employed a ſtrict frugality in the management and diſtribution of his revenue: He engaged the parliament to vote him a fifteenth of all moveables; the Pope to grant him the tenth of all eccleſiaſtical revenues for three years; and the merchants to conſent to a perpetual impoſition of half a mark on every ſack of wool exported, and a mark on three hundred ſkins. He alſo iſſued commiſſions to enquire into all encroachments on the royal demeſne; into the value of eſcheats, forfeitures, and wardſhips; and into the means of repairing or improving every branch of the revenue[f]. The commiſſioners, in the execution of their office, began to carry matters too far

[e] Trivet, p. 128.

[f] Ann. Waverl. p. 235.

againſt

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against the nobility, and to question the titles to estates which had been transmitted from father to son for several generations. Earl Warrenne, who had done such eminent service in the late reign, being required to show his titles, drew his sword; and subjoined, that William, the Bastard, had not conquered the kingdom for himself alone; his ancestor was a joint adventurer in the enterprize; and he himself was determined to maintain what had from that period remained unquestioned in his family. The King, sensible of the danger, very prudently desisted from making farther enquiries of this nature.

1276. Conquest of Wales.

But the active spirit of Edward could not long remain without employment. He soon after undertook an enterprize more safe for himself, and more advantageous to his people. Lewellyn, prince of Wales, had been deeply engaged with the Mountfort faction; had entered into all their conspiracies against the crown; had frequently fought on their side; and till the battle of Evesham, so fatal to that party, had employed every expedient to depress the royal cause, and to promote the success of the barons. In the general accommodation, made with the vanquished, Lewellyn had also obtained his pardon; but as he was the most powerful, and therefore the most obnoxious vassal of the crown, he had reason to entertain anxiety about his situation, and to dread the future effects of resentment and jealousy in the English monarch. For this reason, he had determined to provide for his security by maintaining a secret correspondence with his former associates; and he even made his addresses to a daughter of the earl of Leicester, who was sent to him from beyond sea, but being intercepted in her passage near the isles of Scilly, was detained in the court of England[s]. This incident

[s] Walsing. p. 46, 47. Heming. vol. i. p. 5. Trivet, p. 248.

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1276. encreaſing the mutual jealouſy between Edward and Lewellyn, the latter, when required to come to England, and do homage to the new King, ſcrupled to put himſelf into the hands of an enemy, deſired a ſafe conduct from Edward, inſiſted upon having the King's ſon and other noblemen delivered to him as hoſtages, and demanded, that his ſpouſe ſhould be previouſly ſet at liberty [h]. The King, having now brought the ſtate to a full ſettlement, was not diſpleaſed with this occaſion of exerciſing his authority, and ſubduing entirely the principality of Wales. He refuſed all Lewellyn's demands, except that of a ſafe conduct; ſent him repeated ſummons to perform the duty of a vaſſal; levied an army to reduce him to obedience; obtained a new aid of a fifteenth from parliament; and marched out with

1277. certain aſſurance of ſucceſs againſt the enemy. Beſides the great diſproportion of force between the kingdom and principality, the circumſtances of the two ſtates were entirely reverſed; and the ſame inteſtine diſſentions which had formerly weakened England, now prevailed in Wales, and had even taken place in the reigning family. Dávid and Roderic, brothers to Lewellyn, had been diſpoſſeſſed of their inheritance by that prince, had been obliged to have recourſe to the protection of Edward, and they ſeconded with all their intereſt, which was extenſive, his attempts to enſlave their native country. The Welſh prince had no other reſource but in the inacceſſible ſituation of his mountains, which had hitherto, through many ages, defended his forefathers againſt all the attempts of the Saxon and Norman conquerors; and he retired among the hills of Snowdun, reſolute to defend himſelf to the laſt extremity. But Edward, equally vigorous and cautious, entering by the north with a formidable army, pierced into the heart of the country; and having care-

[h] Rymer, vol. ii. p. 68. Walſing. p. 46. Trivet, p. 247.

fully

fully explored every road before him, and ſecured every paſs behind him, approached the Welſh army in its laſt retreat. He here avoided the putting to trial the valour of a nation, proud of its antient independance, and enflamed with animoſity againſt its hereditary enemies; and he truſted to the ſlow, but ſure effects of famine, for reducing that people to ſubjection. The rude and ſimple manners of the natives, as well as the mountainous ſituation of their country, had made them entirely neglect tillage, and truſt to paſturage alone for their ſubſiſtance: A method of life which had hitherto ſecured them againſt the irregular attempts of the Engliſh, but expoſed them to certain ruin, when the conqueſt of the country was ſteddily purſued, and prudently planned by Edward. Deſtitute of magazines, cooped up in a narrow corner, they and their cattle ſuffered equally from famine; and Lewellyn, without being able to ſtrike a ſtroke for his independance, was at laſt obliged to ſubmit at diſcretion, and receive the terms impoſed upon him by the victor[i]. He bound himſelf to pay to Edward 50,000 l. as reparation of damages; to do homage to the crown of England; to permit all the other barons of Wales, except four near Snowdun, to ſwear fealty to the ſame crown; to relinquiſh the country between Cheſhire and the river Conway; to ſettle on his brother Roderic a thouſand marks a year, and on David five hundred; and to deliver ten hoſtages for ſecurity of his future ſubmiſſion[k].

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19th Nov.

EDWARD, on the performance of the other articles, remitted to the prince of Wales the payment of the 50,000 l.[l], which were ſtipulated by treaty, and which, it is probable, the poverty of the country made it abſolutely impoſſible for him to levy.

[i] T. Wykes, p. 105. Trivet, p. 251. T. Wykes, p. 106.

[k] Rymer, vol. ii. p. 88. Walſing. p. 47.

[l] Rymer, p. 92.

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But complaints of other hardſhips ſoon aroſe on the ſide of the vanquiſhed: The Engliſh, inſolent on their eaſy and bloodleſs victory, oppreſſed the inhabitants of the diſtricts which were yielded to them: The lords marchers committed with impunity all kinds of violence on their Welſh neighbours: New and more ſevere terms were impoſed on Lewellyn himſelf; and Edward, when the prince attended him at Worceſter, exacted a promiſe that he would retain no perſon in his principality who ſhould be diſagreeable to the Engliſh monarch[m]. There were other perſonal inſults, which raiſed the indignation of the Welſh, and made them determine rather to encounter a force, which they had already experienced to be ſo much ſuperior, than to bear any longer the oppreſſion of the haughty victors. Prince David, ſeized with the national ſpirit, made peace with his brother, and promiſed to concur in the defence of public liberty. The Welſh flew to arms; and Edward, not diſpleaſed with the occaſion of making his conqueſt final and abſolute, ſummoned together all his military tenants, and advanced into Wales with an army, which the inhabitants could not reaſonably hope to reſiſt. The ſituation of the country gave the Welſh at firſt ſome advantage over Luke de Tany, one of Edward's captains, who had paſſed the Menau with a detachment[n]: But Lewellyn, being ſurprized by Mortimer, was defeated and ſlain in an action, and 2000 of his followers were put to the ſword[o]. David, who ſucceeded him in the principality, could never collect an army ſufficient to face the Engliſh; and being chaced from hill to hill, and hunted from one retreat to another, was obliged to conceal himſelf under various diſguiſes, and was at laſt betrayed in his lurking-place to the enemy. Edward ſent him in chains to

[m] Dr. Powell's Hiſt. of Wales, p. 344, 345.

[n] Walſing. p. 50. Heming. vol. i. p. 9. Trivet, p. 258. T. Wykes, p. 110.

[o] Heming. vol. i, p. 11. Trivet, p. 257. Ann. Waverl. p. 235.

Shrewſbury;

Shrewſbury; and bringing him to a formal trial before all the peers of England, ordered this ſovereign prince to be hanged, drawn, and quartered, as a traitor, for defending by arms the liberties of his native country, together with his own hereditary authority[p]. All the Welſh nobility ſubmitted to the conqueror; the laws of England, with the ſheriffs and other miniſters of juſtice, were eſtabliſhed in that principality; and though it was long before national antipathies were extinguiſhed, and a thorough union accompliſhed between the people, yet this important conqueſt, which it had required eight hundred years fully to effectuate, was at laſt, through the abilities of Edward, compleated by the Engliſh.

CHAP. XIII. 1283.

THE King, ſenſible that nothing kept alive the ideas of military valour and of ancient glory, ſo much as the traditional poetry of the people, which, aſſiſted by the power of muſic, and the jollity of feſtivals, made deep impreſſion on the minds of the youth, gathered together all the Welſh bards, and from a barbarous, though not abſurd policy, ordered them to be put to death[q]. 1284.

THERE prevails a vulgar ſtory, which, as it ſuits exactly the capacity of the monkiſh writers, is carefully recorded by them: That Edward aſſembling the Welſh, promiſed to give them a prince of unexceptionable manners, a Welſhman by birth, and one who could ſpeak no other language. On their acclamations of joy, and promiſe of obedience, he inveſted in the principality his ſecond ſon Edward, then an infant, who had been born at Carnarvon. The death of his eldeſt ſon Alfonſo, ſoon after,

[p] Heming. vol. i. p. 12. Trivet, p. 259. Ann. Waver'. p. 238. T. Wykes, p. 111. M. Weſt. p. 411.

[q] Sir J. Wynne, p. 15.

CHAP. XIII. 1284. made young Edward heir of the monarchy: The principality of Wales was fully annexed to the crown; and henceforth gives a title to the eldeſt ſon of the Kings of England.

1286. THE ſettlement of Wales appeared ſo complete to Edward, that in leſs than two years after, he went abroad in order to make peace between Alphonſo, King of Arragon, and Philip le Bel, who had newly ſucceeded his father Philip le Hardy in the throne of France[r]. The difference between theſe two princes had ariſen about the kingdom of Sicily, which the Pope, after his hopes from England failed him, had beſtowed on Charles, brother to St. Lewis, and which was claimed upon other titles, by Peter King of Arragon, father to Alphonſo. Edward had powers from both princes to ſettle the peace, and he ſucceeded in his endeavours; but as the controverſy no wiſe regards England, we ſhall not enter into a detail of it. He ſtayed abroad above three years; and on his return, found many diſorders to have prevailed, both from open violence, and from the corruption of juſtice.

THOMAS CHAMBERLAIN, a gentleman of ſome note, had aſſembled ſeveral of his aſſociates at Boſton, in Lincolnſhire, under pretence of holding a tournament, an exerciſe practiſed by the gentry only; but in reality with a view of plundering the rich fair of Boſton, and robbing the merchants. To facilitate his purpoſe, he privately ſet fire to the town; and while the inhabitants were employed in quenching the flames, the conſpirators broke into the booths, and carried off the goods. Chamberlain himſelf was detected and hanged; but maintained ſo ſteddily the point of honour to his accomplices, that he could

[r] Rymer, vol. ii. p. 149, 150. 174.

not

not be prevailed with, by any offers or promiſes, to diſcover any of them. Many other inſtances of robbery and violence broke out, in all parts of England; though the ſingular circumſtances, attending this conſpiracy, have made it alone be particularly recorded by hiſtorians [s].

CHAP. XIII. 1286.

BUT the corruption of the judges, by which the fountains of juſtice were poiſoned, ſeemed ſtill of more dangerous conſequence. Edward, in order to remedy this prevailing abuſe, ſummoned a parliament, and brought the judges to a trial, where all of them, except two, who were clergymen, were convicted of this flagrant iniquity, were fined, and depoſed from their office. The amount of the fines levied upon them, is alone a ſufficient proof of their guilt; being above one hundred thouſand marks, an immenſe ſum in thoſe days, and ſufficient to defray the charges of an expenſive war between two great kingdoms. The King afterwards made all the new judges ſwear, that they would take no bribes; but his expedient, of depoſing and fining the old ones, was the more effectual remedy. 1289.

WE come now to give an account of the affairs of Scotland, which form the moſt intereſting tranſaction of this reign, and of ſome of the ſubſequent; though the intercourſe of that kingdom with England, either in peace or war, had hitherto produced ſo few events of moment, that to avoid tediouſneſs, we have omitted many of them, and have been very conciſe in relating the reſt. If the Scots had, before this period, any real hiſtory, worthy of the name, except what they glean from ſcattered paſſages of the Engliſh hiſtorians, theſe events, however minute, yet

[s] Heming. vol. i. p. 16, 17.

being

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being the only foreign tranſactions of the nation, might deſerve a place in it.

Affairs of Scotland.

THOUGH the government of Scotland had been continually expoſed to thoſe factions and convulſions, which are incident to all barbarous, and to many civilized nations; and though the ſucceſſions of their Kings, the only part of their hiſtory which deſerves any credit, had been often diſordered by irregularities and uſurpations; the true heir of the royal family had ſtill in the end prevailed, and Alexander III. who had eſpouſed Edward's ſiſter, probably inherited, after a period of above eight hundred years, and through a ſucceſſion of males, the ſcepter of all the Scottiſh princes, who had governed the nation, ſince its firſt eſtabliſhment in the iſland. This prince died in 1286 by a fall from his horſe at Kinghorn[t], without leaving any male iſſue, and without any deſcendants, except Margaret, born of Eric, King of Norway, and of Margaret, daughter of the Scottiſh monarch. This princeſs, commonly called the maid of Norway, though a female, and an infant, and a foreigner, yet being the lawful heir of the kingdom, had, through her grandfather's care, been recognized ſucceſſor by the ſtates of Scotland[u]; and on Alexander's death, the diſpoſitions, which had been previouſly made againſt that event, appeared ſo juſt and prudent, that no diſorders, as might naturally be apprehended, enſued in the kingdom. Margaret was acknowledged queen of Scotland; five guardians, the biſhops of St. Andrews and Glaſgow, the earls of Fife and Buchan, and James, ſteward of Scotland, entered peaceably upon the adminiſtration; and the infant princeſs, under the protection of Edward, her great uncle, and Eric, her father, who exerted themſelves on this occaſion, ſeemed

[t] Heming. vol. i. p. 29. Trivet, p. 267.

[u] Rymer, vol. ii. p. 266.

firmly

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firmly ſeated on the throne of Scotland. The Engliſh monarch was naturally engaged to build mighty projects on this event; and having lately, by force of arms, brought Wales under ſubjection, he attempted, by the marriage of Margaret with his eldeſt ſon, Edward, to unite the whole iſland into one monarchy, and thereby to give it ſecurity both againſt domeſtic convulſions and foreign invaſions. The amity, which had of late prevailed between the two nations, and which, even in former times, had never been interrupted by any violent wars or injuries, facilitated extremely the execution of this project, ſo favourable to the happineſs and grandeur of both kingdoms; and the ſtates of Scotland readily gave their aſſent to the Engliſh propoſals, and even agreed, that their young ſovereign ſhould be educated in the court of Edward. Anxious, however, for the liberty and independancy of their country, they took care to ſtipulate very equitable conditions, ere they entruſted themſelves into the hands of ſo great and ſo ambitious a monarch; that they ſhould enjoy all their antient laws, liberties, and cuſtoms; that in caſe young Edward and Margaret ſhould die without iſſue, the crown of Scotland ſhould revert to the next heir, and ſhould be inherited by him free and independent; that the military tenants of the crown ſhould never be obliged to go out of Scotland, in order to do homage to the ſovereign of the united kingdoms, nor the chapters of cathedral, collegiate or conventual churches, in order to make elections; that the parliaments, ſummoned for Scots affairs, ſhould always be held within the bounds of that kingdom; and that Edward ſhould bind himſelf, under the penalty of 100,000 marks, payable to the Pope for the uſe of the holy wars, to obſerve all theſe articles[x]. It is not eaſy to conceive that two nations could have treated more on a footing of equa-

1289.

1290.

[x] Rymer, vol. ii. p. 482.

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1290. lity than Scotland and England maintained during the courſe of this whole tranſaction: And though Edward gave his aſſent to the article, concerning the future independancy of the Scottiſh crown, with a *ſaving of his former rights*; this reſerve gave no alarm to the nobility of Scotland, both becauſe theſe rights, having been hitherto little heard of, had occaſioned no diſturbance, and becauſe the Scots had ſo near a proſpect of ſeeing them entirely abſorbed in the rights of their ſovereignty.

1291. But this project, ſo happily formed and ſo amicably conducted, failed of ſucceſs, by the ſudden death of the Norvegian princeſs, who expired on her paſſage to Scotland[y]; and left a very diſmal proſpect to the kingdom. Though diſorders were for the preſent obviated by the authority of the regency formerly eſtabliſhed, the ſucceſſion of the crown itſelf was now become an object of diſpute; and the regents could not expect, that a controverſy, which is not uſually decided by reaſon and argument alone, would be peaceably ſettled by them, or even by the ſtates of the kingdom, amidſt ſo many powerful pretenders. The poſterity of William, King of Scotland, the prince taken priſoner by Henry II. being all extinct by the death of Margaret of Norway; the right to the crown devolved on the line of David, earl of Huntington, brother to William, whoſe male line, being alſo extinct, left the ſucceſſion open to the poſterity of his daughters. The earl of Huntington had three daughters; Margaret, married to Alan lord of Galloway, Iſabella, wife of Robert Brus or Bruce, lord of Annandale, and Adama, who eſpouſed Henry lord Haſtings. Margaret, the eldeſt of the three ſiſters, left one daughter, Devergilda, married to John Baliol, by whom ſhe had a ſon of the ſame name, one of the preſent can-

Competitors for the crown of Scotland.

[y] Heming. vol. i. p. 30. Trivet, p. 268.

didates

didates for the crown: Iſabella the ſecond bore a ſon, Robert Bruce, who was now alive, and alſo inſiſted on his claim; Adama the third left a ſon, John Haſtings, who pretended that the kingdom of Scotland, like many other inheritances, was diviſible among the three daughters of the earl of Huntingtón, and that he, in the right of his mother, had a title to the third of it. Baliol and Bruce united againſt Haſtings, in maintaining that the kingdom was impartible; but each of them, ſupported by plauſible reaſons, aſſerted the preference of his own title. Baliol was ſprung from the elder branch; Bruce was one degree nearer the common ſtock: If the right of repreſentation was regarded, the former had the better claim: If propinquity was conſidered, the latter was entitled to the preference[z]: The ſentiments of men were divided: All the nobility had taken part with one ſide or the other: The people followed implicitly their leaders: The two claimants themſelves had great power and numerous retainers in Scotland: And it is no wonder, that among a rude people, more accuſtomed to arms than enured to laws, a controverſy of this nature, which could not be decided by any former precedent among them, and which is capable of exciting commotions in the moſt legal and beſt eſtabliſhed governments, ſhould threaten the ſtate with the moſt fatal convulſions.

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EACH age has its peculiar mode in conducting buſineſs; and men, guided more by cuſtom than by reaſon, follow, without enquiry, the manners, which are prevalent in their own time. The preſent practice, in the controverſies between ſtates and princes, ſeems to have been to chooſe a foreign prince, as an equal arbiter, by whom the queſtion was decided, and whoſe ſentence prevented thoſe diſmal confuſions and diſorders, inſepa-

[z] Heming. vol. i. p. 36.

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rable at all times from war, but which were multiplied an hundred fold, and diſperſed into every corner, by the nature of the feudal governments. It was thus that the Engliſh King and barons, in the foregoing reign, had endeavoured to compoſe their domeſtic diſſenſions by a reference to the King of France; and the celebrated integrity of that monarch had prevented all the bad effects, which might naturally have been dreaded from ſo perilous an expedient. It was thus, that the kings of France and Arragon, and afterwards other princes, had ſubmitted their controverſies to Edward's judgment; and the remoteneſs of their ſtates, the great power of the princes, and the little intereſt, which he had on either ſide, had induced him to acquit himſelf with honour in his deciſions. The parliament of Scotland, therefore, threatened with a furious civil war, and allured by the great reputation of the Engliſh monarch, as well as by the preſent amicable correſpondence between the kingdoms, agreed in making a reference to Edward; and Fraſer, biſhop of St. Andrews, with other deputies, was ſent to notify to him their reſolution, and to claim his good offices in the preſent dangers to which they were expoſed [a]. His inclination, they flattered themſelves, led him to prevent their diſſenſions, and to interpoſe with a power, which none of the competitors would dare to withſtand: When this expedient was propoſed by one party, the other deemed it dangerous to object to it: Indifferent perſons thought that the imminent perils of a civil war would thereby be prevented: And no one reflected on the ambitious character of Edward, and the almoſt certain ruin, which muſt attend a ſmall ſtate, divided by factions, when it thus implicitly ſubmits itſelf to the will of ſo powerful and encroaching a neighbour.

Reference to Edward.

[a] Heming. vol. i. p. 31.

THE

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1291. Homage of Scotland.

THE temptation was too ſtrong for the virtue of the Engliſh monarch to reſiſt. He propoſed to lay hold of the preſent favourable opportunity, and if not to create, at leaſt to revive, his claim of a feudal ſuperiority over Scotland; a claim which had hitherto lain in the deepeſt obſcurity, and which, if ever it had been an object of attention, or had been ſo much as ſuſpected, would have effectually prevented the Scottiſh barons from chooſing him for an umpire. He well knew, that, if this pretenſion was once ſubmitted to, as it ſeemed difficult in the preſent ſituation of Scotland to oppoſe it, the abſolute ſovereignty of that kingdom, (which had been the caſe with Wales) would ſoon follow; and that one great vaſſal, cooped up in an iſland with his liege lord, without reſource from foreign powers, without aid from any fellow vaſſals, could not long maintain his dominions againſt the efforts of a mighty kingdom, aſſiſted by all the cavils which the feudal law afforded his ſuperior againſt him. In purſuit of this great object, very advantageous to England, perhaps in the end no leſs beneficial to Scotland, but extremely unjuſt and iniquitous in itſelf, Edward buſied himſelf in ſearching for proofs of his intended ſuperiority; and inſtead of looking into his own archives, which, if his claim had been real, muſt have afforded him numerous records of the homages done by the Scottiſh princes, and could alone yield him any authentic teſtimony, he made all the monaſteries be ranſacked for old chronicles and hiſtories wrote by Engliſhmen, and he collected all the paſſages, which ſeemed any wiſe to favour his pretenſions [b]. Yet even in this method of proceeding, which muſt have diſcovered to himſelf the injuſtice of his claim, he was far from being fortunate. He began his proofs from the time of Edward the elder, and continued them through all the Saxon

[b] Walſing. p. 55.

and

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and Norman times; but produced nothing to his purpoſe [c]. The whole amount of his authorities during the Saxon period, when ſtripped of the bombaſt and inaccurate ſtyle of the monks, is, that the Scots had ſometimes been defeated by the Engliſh, had received peace on diſadvantageous terms, had made ſubmiſſions to the Engliſh monarch, and had even perhaps fallen into ſome dependance on a power, which was ſo much ſuperior, and which they had not at that time ſufficient force to reſiſt. His authorities from the Norman period were, if poſſible, ſtill leſs concluſive: The hiſtorians indeed make frequent mention of an homage done by the northern potentate; but no one of them ſays that it was done for his kingdom, and ſeveral of them declare, in expreſs terms, that it was relative only to the fiefs which he enjoyed ſouth of the Tweed [d]; in the ſame manner, as the King of England himſelf ſwore fealty to the French monarch, for the fiefs, which he inherited in France. And to ſuch ſcandalous ſhifts was Edward reduced, that he quotes a paſſage from Hoveden [e], where it is aſſerted, that a Scottiſh King had done homage to England; but he purpoſely omits the latter part of the ſentence, which expreſſes that this prince did homage for the lands, which he held in England.

WHEN William, King of Scotland, was taken priſoner in the battle of Alnwic, he was obliged, for the recovery of his liberty, to ſwear fealty to the victor for his crown itſelf. The deed was performed according to all the rites of the feudal law: The record was preſerved in the Engliſh archives, as well as mentioned by all the hiſtorians: But as it is the only one of the kind, and as hiſtorians ſpeak of this ſuperiority as a great acquiſition gained by the fortunate arms of Henry II. [f] there can

[c] Rymer, vol. ii. p. 559. M. Weſtm. p. 256. [d] Hoveden, p. 492. 662. M. Paris, p. 109. [e] P. 662. [f] Neubr. lib. ii. cap. 4. Knyghton, p. 2392.

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remain no doubt, that the kingdom of Scotland was, in all former periods, entirely free and independant. Its ſubjection continued a very few years: King Richard, deſirous, before his departure for the Holy Land, to conciliate the friendſhip of William, renounced that homage, which, he ſays in expreſs terms, had been extorted by his father; and he only retained the uſual homage which had been done by the Scottiſh princes for the lands, which they held in England.

But though this tranſaction rendered the independance of Scotland ſtill more unqueſtionable, than if no fealty had ever been ſworn to the Engliſh crown; the Scottiſh Kings, apprized of the point aimed at by their powerful neighbours, ſeem for a long time to have retained ſome jealouſy on that head, and in doing homage, to have anxiouſly obviated all ſuch pretenſions. When William in 1200 did homage to John at Lincoln, he was careful to inſert a ſalvo for his royal dignity[g]: When Alexander III. ſent aſſiſtance to his father-in-law, Henry III. during the barons wars, he previouſly procured an acknowledgment, that this aid was only granted from friendſhip, not from any right claimed by the Engliſh monarch[h]: And when the ſame prince was invited to aſſiſt at the coronation of this very Edward, he declined attendance, till he received a like acknowledgment[i].

But as all theſe reaſons, (and ſtronger could not be produced) were but a feeble rampart againſt the power of the ſword, Edward, carrying with him a great army, which was to enforce his proofs, advanced to the frontiers, and invited the Scots parliament and all the competitors to attend him in the caſtle of

[g] Hoveden, p. 811.

[h] Rymer, vol. ii. p. 844.

[i] See note at the end of the volume.

Norham,

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Norham, a place ſituated on the ſouthern banks of the Tweed, in order to determine that cauſe, which had been referred to his arbitration. But though this deference ſeemed due to ſo great a monarch, and was no more than what his father and the Engliſh barons had, in ſimilar circumſtances, paid to Lewis IX. the King, careful not to give umbrage, and determined never to produce his claim, till it ſhould be too late to think of oppoſition, ſent the Scottiſh barons an acknowledgment, that, though at this time they paſſed the frontiers, ſuch a ſtep ſhould never be drawn into precedent, nor afford the Engliſh Kings a pretence for exacting a like ſubmiſſion in any future tranſactions[a]. When the whole Scottiſh nation had thus unwarily put themſelves in his power, Edward opened the conferences at Norham; and informed the parliament, by the mouth of Roger le Brabançon, his chief juſticiary, that he was come thither to determine the right among the competitors to their crown; that he was determined to do ſtrict juſtice to all parties; and that he was intitled to this authority, not in virtue of the reference made to him, but in quality of ſuperior and liege lord of the kingdom[b]. He then produced his proofs of this ſuperiority, which he pretended to be unqueſtionable, and he required of them an acknowledgment of it; a demand, which was

10th May.

a Rymer, vol. ii. p. 539, 845. Walſing. p. 56.

b Rymer, vol. ii. p. 543. It is remarkable that the Engliſh chancellor ſpoke to the Scots parliament in the French tongue. This was alſo the language commonly made uſe of by all parties on that occaſion. Ibid. paſſim. The moſt conſiderable of the Scots, as well as almoſt all the Engliſh barons, were of French origin; they valued themſelves upon it; and pretended to deſpiſe the language and manners of the iſland. It is difficult to account for the ſettlement of ſo many French families in Scotland, the Bruces, Baliols, St. Clairs, Montgomeries, Somervilles, Gordons, Fraſers, Cummins, Colvilles, Umfrevilles, Mowbrays, Hays, Maules, who were not ſupported there, as in England, by the power of the ſword. But the ſuperiority of civility and knowledge, however ſmall, over total ignorance and barbariſm, is prodigious.

ſuper-

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ſuperfluous if the fact was already known and avowed, and which plainly betrays Edward's conſciouſneſs of his lame and defective title. The Scots parliament were aſtoniſhed at ſo new a pretenſion, and anſwered only by their ſilence. But the King, in order to maintain the appearance of free and regular proceedings, deſired them to remove into their own country, to deliberate upon his claim, to examine his proofs, to propoſe all their objections, and then to inform him of their reſolutions: And he appointed a plain at Upſettleton, on the northern banks of the Tweed, for that purpoſe.

WHEN the Scottiſh barons aſſembled in this place, though moved with indignation at the injuſtice of this unexpected claim, and at the fraud with which it had been conducted, they found themſelves betrayed into a ſituation, in which it was impoſſible for them to make any defence for the ancient liberty and independence of their country. The King of England, a martial and politic prince, at the head of a powerful army, lay at a very ſmall diſtance, and was only ſeparated from them by a river fordable in many places. Though by a ſudden flight ſome of them might themſelves be able to make their eſcape; what hopes could they entertain of ſecuring the kingdom againſt his future enterprizes? Without a head, without union among themſelves, attached all of them to different competitors, whoſe title they had raſhly ſubmitted to the deciſion of this foreign uſurper, and who were thereby reduced to an abſolute dependance upon him; they could only expect by reſiſtance to entail on themſelves and their poſterity a more grievous and more deſtructive ſervitude. Yet even in this deſperate ſtate of their affairs, the Scottiſh barons, as we learn from Walſingham [c], one

[c] Page 56. M. Weſt. p. 436. It is ſaid by Hemingford, vol. i. p. 33. that the King menaced violently the Scots barons, and forced them to compliance, at leaſt to ſilence.

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of the beſt hiſtorians of that period, had the courage to reply, that till they had a King, they could take no reſolution on ſo momentous a point: The journal of King Edward ſays, that they made no anſwer at all[d]: That is, perhaps, no *particular* anſwer or objection to Edward's claim: And by this ſolution it is poſſible to reconcile the journal with the hiſtorian. The King, therefore, interpreting their ſilence as a conſent, addreſſed himſelf to the ſeveral competitors, and previouſly to his pronouncing ſentence, required their acknowledgment of his ſuperiority.

It is evident from the genealogy of the royal family of Scotland, that there could only be two queſtions about the ſucceſſion, that between Baliol and Bruce on the one hand, and lord Haſtings on the other, concerning the partition of the crown; and that between Baliol and Bruce themſelves, concerning the preference of their reſpective titles, ſuppoſing the kingdom indiviſible: Yet there appeared on this occaſion no leſs than nine claimants beſides, who challenged the crown; John Comyn or Cummin Lord of Badenoch, Florence earl of Holland, Patrick Dunbar earl of March, William de Veſcey, Robert de Pynkeni, Nicholas de Soules, Patrick Galythly, Roger de Mandeville, Robert de Roſs; not to mention the King of Norway, who claimed as heir to his daughter Margaret[e]. Some of theſe competitors were deſcended from more remote branches of the royal family; others were even ſprung from illegitimate children; and as none of them had the leaſt pretence of right, it is natural to conjecture, that Edward had ſecretly encouraged them to appear in the liſt of claimants, that he might ſow the more diviſion among the Scottiſh nobility, make the cauſe appear the more

[d] Rymer, vol. ii. p. 548.

[e] Walſing. p. 58.

intricate,

intricate, and be able to chooſe, among a great number, the moſt obſequious candidate.

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But he found them all equally obſequious on this occaſion[f]. Robert Bruce was the firſt who acknowledged Edward's right of ſuperiority over Scotland; and he had ſo far foreſeen the King's pretenſions, that even in his petition, where he ſet forth his claim to the crown, he had previouſly applied to him as liege-lord of the kingdom; a ſtep which was not taken by any of the other candidates[g]. They all, however, with ſeeming willingneſs, made a like acknowledgment when required; though Baliol, leſt he ſhould give offence to the Scots nation, had taken care to be abſent during the firſt days; and he was the laſt who recognized the King's title[h]. Edward next deliberated concerning the method of proceeding in the diſcuſſion of this great controverſy. He appointed, that Baliol and ſuch of the competitors as adhered to him, ſhould chooſe forty commiſſioners; Bruce and his adherents other forty: To theſe the King added twenty-four Engliſhmen: And he ordered theſe hundred and four commiſſioners to examine the cauſe deliberately among themſelves, and make their report to him[i]: And he promiſed in the enſuing year to give his determination. Mean while, he pretended, that it was requiſite to have all the fortreſſes of Scotland delivered into his hands, in order to enable him, without oppoſition, to put the true heir in poſſeſſion of the crown; and this exorbitant demand was complied with, both by the ſtates and the claimants[k]. The governors alſo of all the caſtles immediately reſigned their command; except Umfreville earl of Angus, who refuſed,

[f] Rymer, vol. ii. p. 529. 545. Walſing. p. 56. Heming. vol. i. p. 33, 34. Trivet, p. 269. M. Weſt. p. 415.
[g] Rymer, vol. ii. p. 577, 578, 579.
[h] Ibid. p. 546.
[i] Ibid. p. 555, 556.
[k] Ibid. p. 529. Walſing. p. 56, 57.

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without a formal acquittal from the parliament and the ſeveral claimants, to ſurrender his fortreſſes to ſuch a domineering arbiter, who had given to Scotland ſo many juſt reaſons of ſuſpicion[l]. Before this aſſembly broke up, which had fixed ſuch a mark of diſhonour on the nation, all the prelates and barons there preſent ſwore fealty to Edward; and that prince appointed commiſſioners to take a like oath of all the other barons and perſons of diſtinction in Scotland[m].

THE King having finally made, as he imagined, this important acquiſition, left the commiſſioners to ſit at Berwick, and examine the titles of the ſeveral competitors, who claimed the precarious crown, which Edward was willing for ſome time to allow the lawful heir to enjoy. He went ſouthwards, both in order to aſſiſt at the funerals of his mother, Queen Eleanor, who died about this time, and to compoſe ſome differences which had ariſen among his principal nobility. Gilbert earl of Gloceſter, the greateſt baron of the kingdom, had eſpouſed the King's daughter; and being elated by that alliance, and ſtill more by his own exorbitant power, which, he thought, ſet him above the laws, he permitted his bailiffs and vaſſals to commit violences on the lands of Humphrey Bohun earl of Hereford, who retaliated the injury by like violences. But this was not a reign in which ſuch illegal proceedings could paſs with impunity. Edward procured a ſentence againſt the two earls, committed them both to priſon, and would not reſtore them to their liberty, till he exacted a fine of 1000 merks from Hereford, and one of 10,000 from his ſon-in-law.

1292. DURING this interval, the titles of John Baliol and of Robert Bruce, whoſe claims appeared to be the beſt founded among the

[l] Rymer, vol. ii. p. 531.

[m] Ibid. p. 573.

competitors

competitors to the crown of Scotland, were the ſubject of general diſquiſition, as well as of debate among the commiſſioners. Edward, in order to give greater authority to his intended deciſion, propoſed this general queſtion both to the aſſembly, and to all the celebrated lawyers in Europe; Whether a perſon deſcended from the eldeſt ſiſter, but farther removed by one degree, was preferable in the ſucceſſion of kingdoms, fiefs, and other impartible inheritances, to one deſcended from the younger ſiſter, but one degree nearer the common ſtock? This was the true ſtate of the caſe; and the right of repreſentation had now gained ſuch ground every where, that an uniform anſwer was returned to the King in the affirmative. He therefore pronounced ſentence in favour of Baliol; and when Bruce, upon this diſappointment, joined afterwards lord Haſtings, and claimed a third of the kingdom, which he now pretended to be diviſible, Edward, though the intereſts of his ambition ſeemed more to require the partition of Scotland, again pronounced ſentence in favour of Baliol. That competitor, upon renewing his oath of fealty to England, was put in poſſeſſion of the kingdom [a]; all his fortreſſes were reſtored to him [b]; and the conduct of Edward, both in the deliberate ſolemnity of the proceedings, and in the juſtice of his award, was ſo far unexceptionable.

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Award of Edward in favour of Baliol.

HAD the King entertained no other view than that of eſtabliſhing his ſuperiority over Scotland, though the iniquity of that claim was apparent, and was aggravated by the moſt egregious breach of truſt, he might have fixed his pretenſions, and have left that important acquiſition to his poſterity: But he immediately proceeded in ſuch a manner, as made it apparent, that, not contented with this uſurpation, he aimed alſo at the abſolute

1293.

[a] Rymer, vol. ii. p. 590, 591, 593, 600.

[b] Rymer, vol. ii. p. 590.

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1253.

abſolute ſovereignty and dominion of the kingdom. Inſtead of gradually enuring the Scots to bear the yoke, and exerting his rights of ſuperiority with moderation, he encouraged all appeals to England; required King John himſelf, by ſix different ſummons on trivial occaſions, to come to London[c]; refuſed him the privilege of defending his cauſe by a procurator; and obliged him to appear at the bar of his parliament as a private perſon[d]. Theſe humiliating demands were hitherto quite unknown to a King of Scotland: They are however the neceſſary conſequences of vaſſalage by the feudal law; and as there was no preceding inſtance of ſuch treatment ſubmitted to by a prince of that country, Edward muſt, from that circumſtance alone, had there remained any doubt, have been himſelf convinced, that his claim was altogether an uſurpation[e]. But his intention plainly was, to enrage Baliol by theſe indignities, to engage him in rebellion, and to aſſume the dominion of the ſtate as the puniſhment of his treaſon and felony. Accordingly Baliol, though a prince of a ſoft and gentle ſpirit, returned into Scotland highly provoked at this uſage, and determined at all hazards to vindicate his liberty; and the war, which ſoon after broke out between France and England, gave him a favourable opportunity for executing his purpoſe.

[c] Rymer, vol. ii. p. 603, 605, 606, 608, 615, 616.

[d] Ryley's Placit. Parl. p. 152, 153.

[e] See Rymer, vol. ii. p. 533, where Edward writes to the King's Bench to receive appeals from Scotland. He knew the practice to be unuſual; yet he eſtabliſhes it as an infallible conſequence of his ſuperiority. We learn alſo from the ſame book, p. 603, that immediately upon receiving the homage, he changed the ſtyle of his addreſs to the Scots King, whom he now calls *dilecto & fideli*, inſtead of *fratri dilecto & fideli*, the appellation which he had always before uſed to him; ſee p. 109, 124, 168, 280, 1064. This is a certain proof, that he himſelf was not deceived, as was ſcarce indeed poſſible, but that he was conſcious of his uſurpation. Yet he ſolemnly ſwore afterwards to the juſtice of his pretenſions, when he defended them before Pope Boniface.

THE

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THE violences, robberies and diſorders, to which that age was ſo ſubject, were not confined to the licentious barons and their retainers at land: The ſea was equally infeſted with pyracy: The weak execution of the laws had given licence to all orders of men: And a general appetite for rapine and revenge, ſupported by a falſe point of honour, had alſo infected the merchants and mariners, and it puſhed them, on any provocation, to ſeek redreſs, by immediate retaliation upon the aggreſſors. A Norman and Engliſh ſhip met off the coaſt near Bayonne; and having both occaſion for water, they ſent their boats to land, and the ſeveral crews came at the ſame time to the ſame ſpring: There enſued a quarrel for the preference: A Norman, drawing his dagger, attempted to ſtab an Engliſhman; who, grappling with him, threw his adverſary on the ground; and the Norman, as was pretended, falling on his own dagger, was ſlain [f]. This ſcuffle between two ſeamen about water, kindled ſoon a bloody war between the two nations, and involved a great part of Europe in the quarrel. The mariners of the Norman ſhip carried their complaints to the French King: Philip, without enquiring into the truth, without demanding redreſs, bid them take revenge, and trouble him no more about the matter [g]. The Normans, who had been more regular than uſual in applying to the crown, needed but this hint to proceed to immediate violence. They ſeized an Engliſh ſhip in the channel; and hanging, along with ſome dogs, ſeveral of the crew on the yard-arm, in preſence of their companions, diſmiſſed the veſſel [h]; and bad the mariners inform their countrymen, that vengeance was now taken for the blood of the Norman killed at Bayonne. This injury, accompanied by ſo general and deliberate an inſult, was reſented by the

War with France.

[f] Walſing. p. 58. Heming. vol. i. p. 39.
[g] Walſing. p. 58.
[h] Heming. vol. i. p. 40. M. Weſt. p. 419.

mariners

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mariners of the cinque ports, who, without carrying any complaints to the King, or waiting for redreſs, retaliated by committing like barbarities on all French veſſels without diſtinction. The French, provoked by their loſſes, preyed on the ſhips of all Edward's ſubjects, whether Engliſh or Gaſcon: The ſea became a ſcene of pyracy between the nations: The ſovereigns, without either ſeconding or repreſſing the violence of their ſubjects, ſeemed to continue indifferent ſpectators: The Engliſh made private aſſociations with the Iriſh and Dutch ſeamen; the French with the Flemiſh and Genoeſe[i]: And the animoſities of the people on both ſides became every day more violent and barbarous. A fleet of two hundred Norman veſſels ſet ſail to the ſouth for wine and other commodities; and in their paſſage, ſeized all the Engliſh ſhips which they met with; hanged the ſeamen, and ſeized the goods. The inhabitants of the Engliſh ſea ports, informed of this event, fitted out a fleet of ſixty ſail, ſtronger and better manned than the others; and awaited the enemy on their return. After an obſtinate battle, they put them to rout, and ſunk, deſtroyed, or took the greateſt part of them[k]. No quarter was given, and it is pretended, that the loſs of the French on this occaſion amounted to 15,000 men: Which is accounted for by this circumſtance, that the Norman fleet was employed in tranſporting a conſiderable body of ſoldiers from the ſouth.

THE affair was now become too important to be any longer overlooked by the princes. On Philip's ſending an envoy to demand reparation and reſtitution, the King diſpatched the biſhop of London to the French court, in order to accommodate

[i] Heming. vol. i. p. 40.

[k] Walſing. p. 60. Trivet, p. 274. Chron. Dunſt. vol. ii. p. 609.

the

the quarrel. He firſt ſaid, that the Engliſh courts of juſtice were open to all men; and if any Frenchman were injured, he might ſeek reparation by courſe of law [l]. He next offered to adjuſt the matter by private arbiters, or by perſonal interview with the King of France, or by a reference either to the Pope or the college of cardinals, or any particular cardinals, agreed on by both parties [m]. The French, probably the more diſguſted, as they were hitherto loſers in the quarrel, refuſed all theſe expedients: The veſſels and the goods of merchants were confiſcated on both ſides: Depredations were continued by the Gaſcons on the weſtern coaſt of France, as well as by the Engliſh in the channel: Philip cited the King, as duke of Guienne, to appear in his court at Paris, and anſwer for theſe offences: And Edward, apprehenſive of danger to that province, ſent John St. John, an experienced ſoldier, to Bourdeaux, and gave him directions to put Guienne in a poſture of defence [n]. CHAP. XIII. 1293.

THAT he might however prevent a final rupture between the nations, the King diſpatched his brother, Edmond, Earl of Lancaſter, to Paris; and as this prince had eſpouſed the Queen of Navarre, mother to Jane, Queen of France, he ſeemed, on account of that alliance, the moſt proper perſon for finding expedients to accommodate the difference. Jane pretended to interpoſe with her good offices: Mary, the Queen-dowager, feigned the ſame amicable diſpoſition: And theſe two princeſſes told Edmond, that the circumſtance, the moſt difficult to adjuſt, was the point of honour with Philip, who thought himſelf affronted by the injuries committed againſt him by his ſub-vaſſals in Guienne: But if once Edward would conſent to give him ſeizin and poſſeſſion of that province, he would think his honour fully repaired, would engage to reſtore Guienne immediately, and 1294.

[l] Trivet, p. 275. [m] Ibid. [n] Ibid. p. 276.

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would accept of a very eaſy ſatisfaction for all the other injuries. The King was conſulted on this occaſion, and as he then found himſelf in immediate danger of war with the Scots, which he regarded as the more important concern, this politic prince, blinded by his favourite paſſion for ſubduing that nation, allowed himſelf to be deceived by ſo groſs an artifice[o]. He ſent his brother orders to ſign and execute the treaty with the two Queens; Philip ſolemnly promiſed to execute his part of it; and the King's citation to appear in the court of France, was accordingly recalled: But the French monarch was no ſooner put in poſſeſſion of Guienne, than the citation was renewed; Edward was condemned for non-appearance; and Guienne, by a formal ſentence, was declared to be forfeited and annexed to the crown[p].

EDWARD, fallen into a like ſnare with that which he had ſpread for the Scots, was enraged; and the more ſo, as he was juſtly aſhamed of his own conduct, in being ſo egregiouſly overreached by the court of France. Senſible of the extreme difficulties, which he would encounter in the recovery of Gaſcony, where he had not retained a ſingle place in his hands; he endeavoured to compenſate that loſs, by forming alliances with ſeveral European princes, who, he propoſed, ſhould attack France on all quarters, and make a diverſion of her forces. Adolphus de Naſſau, King of the Romans, entered into a treaty with him for that purpoſe[q]; as did alſo Amadæus, count of Savoy, the archbiſhop of Cologne, the counts of Gueldre and Luxembourg; the duke of Brabant and count of Barre, who had married his two daugh-

[o] Rymer, vol. ii. p. 619, 620. Walſing. p. 61. Heming. vol. i. p. 42, 43. Trivet, p. 277. [p] Rymer, vol. ii. p. 620, 622. Walſing. p. 61. Trivet, p. 278.
[q] Heming. vol. i. p. 51.

ters, Margaret and Eleanor: But theſe alliances were extremely burdenſome to his narrow revenues, and proved in the iſſue entirely ineffectual. More impreſſion was made on Guienne by an Engliſh army, which he compleated by emptying the jails of many thouſand thieves and robbers, who had been confined there for their crimes. So low had the profeſſion of arms fallen, and ſo much had it degenerated from the footing, on which it ſtood during the vigour of the feudal ſyſtem! CHAP. XIII. 1294.

THE King himſelf was detained in England, firſt by contrary winds[r], then by his apprehenſions of a Scots invaſion, and by a rebellion of the Welſh, whom he repreſſed and brought again under ſubjection[s]. The army, which he ſent to Guienne, was commanded by his nephew, John de Bretagne, earl of Richmond, and under him by St. John, Tibetot, de Vere, and other officers of reputation[t]; who made themſelves maſters of the town of Bayonne, as well as of Bourg, Blaye, Rions, St. Severe, and other places, which ſtraitened Bourdeaux, and cut off its communication both by ſea and land. The favour, which the Gaſcon nobility bore to the Engliſh government, facilitated theſe conqueſts, and ſeemed to promiſe ſtill greater ſucceſſes; but this advantage was ſoon loſt by the miſconduct of ſome of the officers. Philip's brother, Charles de Valois, who commanded the French armies, having laid ſiege to Podenſac, a ſmall fortreſs near Rions, obliged Giffard, the governor, to capitulate; and the articles, though favourable to the Engliſh, left all the Gaſcons priſoners at diſcretion, of whom about fifty were hanged by Charles as rebels: A policy, by which he both intimidated that people, and produced an irreparable breach between them and the Engliſh[u]. That 1295.

[r] Chron. Dunſt. vol. ii. p. 622.
[s] Walſing. p. 62. Heming. vol. i. p. 55. Trivet, p. 282. Chron. Dunſt. vol. ii. p. 622.
[t] Trivet, p. 279.
[u] Heming. vol. i. p. 49.

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prince immediately attacked Rions, where the earl of Richmond himſelf commanded; and as the place ſeemed not defenſible, the Engliſh general drew his troops to the water-ſide with an intention of embarking with the greateſt part of the army. The enraged Gaſcons fell upon his rear, and at the ſame time opened their gates to the French, who, beſides making themſelves maſters of the place, took many priſoners of diſtinction. St. Severe was more vigorouſly defended by Hugh de Vere, ſon to the earl of Oxford; but was at laſt obliged to capitulate. The French King, not contented with theſe ſucceſſes in Gaſcony, threatened England with an invaſion; and by a ſudden attempt, his troops took and burnt Dover[u], but were obliged ſoon after to retire. And in order to make a greater diverſion of the Engliſh force, and engage Edward in dangerous and important wars, he formed a ſecret alliance with John Baliol, King of Scotland; the commencement of that ſtrict union, which, during ſo many ages, was maintained, by mutual intereſts and neceſſities, between the French and Scottiſh nations. John confirmed this alliance by ſtipulating a marriage between his eldeſt ſon and the daughter of Philip de Valois[w].

Digreſſion concerning the conſtitution of parliament.

THE expences, attending theſe multiplied wars of Edward, and his preparations for war, joined to alterations, which had inſenſibly taken place in the general ſtate of affairs, obliged him to have frequent recourſe to parliamentary ſupplies, introduced the lower orders of the ſtate into the publick councils, and laid the foundations of great and important changes in the government. Though nothing could be worſe calculated for cultivating the arts of peace or maintaining peace itſelf, than the long

[u] Trivet, p. 284. Chron. Dunſt. vol. ii. p. 642.

[w] Rymer, vol. ii. p. 680, 681. 695. 697. Heming. vol. i. p. 76. Trivet, p. 285.

ſubordination

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ſubordination of vaſſalage from the King to the meaneſt gentleman, and the conſequent ſlavery of the lower people, evils inſeparable from the feudal ſyſtem; that ſyſtem was never able to fix the ſtate in a proper warlike poſture, or give it the full exertion of its power for defence, and ſtill leſs for offence, againſt a public enemy. The military tenants, unacquainted with obedience, unexperienced in war, held a rank in the troops by their birth, not by their merits or ſervices; compoſed a very diſorderly and conſequently a very feeble army; and during the few days, which they were obliged by their tenures to remain in the field, were often more formidable to their own prince than to foreign powers, againſt whom they were aſſembled. The ſovereigns came gradually to diſuſe this cumberſome and dangerous machine, ſo apt to recoil upon the hand which held it; and exchanging the military ſervice for pecuniary ſupplies, inliſted forces by means of a contract with particular officers, (ſuch as thoſe the Italians denominate *Condottieri*) whom they diſmiſſed at the end of the war. The barons and knights themſelves often entered into theſe engagements with the prince, and were enabled to fill their bands, both by the authority which they poſſeſſed over their vaſſals and tenants, and from the great numbers of looſe, diſorderly people, whom they found on their eſtates, and who willingly embraced an opportunity of gratifying their appetite for war and rapine. Mean-while, the old Gothic fabric, being neglected, went gradually to decay; and though the Conqueror had divided all the lands of England into ſixty thouſand knight's fees, the number of theſe was inſenſibly diminiſhed by various artifices; and the King at laſt found, that, by putting the law in execution, he could aſſemble only a very ſmall part of the antient force of the kingdom. It was an uſual expedient for men, who held of the King or a great baron by military tenure, to transfer their land

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land to the church, and receive them back by another tenure called frankalmoignae, by which they were not bound to perform any service[x]. A law was made againſt this practice; but the abuſe had probably gone far before it was attended to, and probably was not entirely corrected by the new ſtatute, which, like moſt of the laws of that age, we may conjecture to have been but feebly executed by the magiſtrate againſt the perpetual intereſts of ſo many individuals. The conſtable and mareſchal, when they muſtered the armies, often, in a hurry, and for want of better information, received the ſervice of a baron for fewer knight's fees, than were due by him; and one precedent of this kind was held good againſt the King, and became ever after a reaſon for diminiſhing the ſervice[y]. The rolls of knight's fees were very inaccurately kept; no care was taken to clear them before the armies were ſummoned into the field[z]; it was then too late to think of examining records and charters; and the ſervice was accepted on the footing which the vaſſal himſelf was pleaſed to acknowledge, after all the various ſubdiviſions and conjunctions of property had thrown an obſcurity on the nature and extent of his tenure[a]. It is eaſy to judge of the intricacies which would attend diſputes of this kind with individuals; when even the number of military fees, belonging to the church, whoſe property was fixed and unalienable, became the ſubject of controverſy; and we find in particular, that when the biſhop of Durham was charged with ſeventy knights fees for the aid levied to marry Henry II.'s daughter to the duke of Saxony, the prelate acknowledged ten, and diſowned the other ſixty[b]. It is not known in what manner this difference was terminated; but had

[x] Madox's Baronia Anglica, p. 114.
[y] Ibid. p. 115.
[z] We hear only of one King, Henry II. who took this pains; and the record, called Liber niger Scaccarii, was the reſult of it.
[a] Madox, Bar. Ang. p. 116.
[b] Madox, Bar. Ang. p. 122. Hiſt. of the Exch. p. 404.

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the queſtion been concerning an armament to defend the kingdom, the biſhop's ſervice would probably have been received without oppoſition for ten fees, and this rate muſt alſo have fixed all his future payments. Pecuniary ſcutages, therefore, diminiſhed as much as military ſervices[c]: Other methods of filling the exchequer as well as the armies muſt be deviſed: New ſituations produced new laws and inſtitutions: And the great alterations in the finances and military power of the crown, as well as in private property, were the ſource of equal innovations in every part of the legiſlature or civil government.

THE exorbitant eſtates, conferred by the Norman, on his barons and chieftains, remained not long entire and unimpaired. The landed property was gradually ſhared out into more hands; and thoſe immenſe baronies were divided, either by proviſions to younger children, by partitions among co-heirs, by ſale, or by eſcheating to the King, who gratified a great number of his courtiers, by dealing them out among them in ſmaller portions. Such moderate eſtates, as they required œconomy, and confined the proprietors to live at home, were better calculated for duration; and the order of knights and ſmall barons grew daily more numerous, and began to form a very reſpectable rank or order in the ſtate. As they were all of them immediate vaſſals of the crown by military tenure, they were, from the principles of the feudal law, equally intitled with the greateſt barons, to a ſeat in

[c] In order to pay the ſum of 100,000 marks, as King Richard's ranſom, twenty ſhillings were impoſed on each knight's fee. Had the fees remained on the original footing, as ſettled by the conqueror, this ſcutage would have amounted to 90,000 marks, which was nearly the ſum required: But we find, that many other grievous taxes were impoſed to complete it: A certain proof, that many frauds and abuſes had prevailed in the roll of knights fees.

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the national or general councils; and this right, though regarded as a privilege, which the owners would not entirely relinquiſh, was alſo conſidered as a burthen, which they deſired to be ſubjected to only on extraordinary occaſions. Hence it was provided in the charter of King John, that, while the great barons were ſummoned to the general council by a particular writ, the ſmall barons, under which appellation the knights were alſo comprehended, ſhould only be called by a general ſummons of the ſheriff. The diſtinction between great and ſmall barons, like that between rich and poor, was not exactly defined; but, agreeably to the inaccurate genius of that age and to the ſimplicity of antient government, was left very much to be determined by the diſcretion of the King and his miniſters. It was uſual for the prince to require, by a particular ſummons, the attendance of a baron in one parliament, and to neglect him in future parliaments[b]; nor was this uncertainty ever complained of as an injury. He attended when required: He was better pleaſed on other occaſions to be exempted from the burthen: And as he was acknowledged to be of the ſame order with the greateſt barons, it gave them no ſurprize to ſee him take his ſeat in the great councils, whether he appeared of his own accord, or by a particular ſummons from the king. The barons by *Writ*, therefore, began gradually to intermix themſelves with the ancient barons from *Tenure*; and as Camden tells us[c], from an ancient manuſcript, now loſt, that after the battle of Eveſham, a poſitive law was enacted, prohibiting every baron to appear in parliament, who was not invited thither by a particular ſummons, the whole baronage of England held thenceforward their ſeat by writ, and this important privilege of their tenures was in effect aboliſhed.

b Chancellor Weſt's enquiry into the manner of creating peers, p. 43. 46, 47. 55.
c In Britann. p. 122.

Only

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Only where writs had been regularly continued for ſome time in one great family, the omiſſion of them would have been regarded as an affront, and even as an injury.

A LIKE alteration gradually took place in the order of earls, who were the higheſt rank of barons. The dignity of an earl, like that of a baron, was antiently territorial and official [e]: He exerciſed juriſdiction within his county: He levied the third of the fines to his own profit: He was at once a civil and a military magiſtrate: And though his authority, from the firſt conqueſt of the Normans, was hereditary in England, the title was ſo much connected with the office, that where the King intended to create a new earl, he had no other expedient than to erect a certain territory into a county or earldom, and to beſtow it upon the perſon and his family [f]. But as the ſheriffs, who were the vice-gerents of the earls, were named by the King, and removeable at pleaſure, he found them more dependant upon him; and endeavoured to throw the whole authority and juriſdiction of the office into their hands. This magiſtrate was at the head of the finances, and levied all the King's rents within his county: He aſſeſſed at pleaſure the talliages of the inhabitants in royal demeſne: He had uſually committed to him the management of wards and often of eſcheats: He preſided in the lower courts of judicature: And thus, though inferior to the earl in dignity, he was ſoon conſidered, by this union of the judicial and fiſcal powers, and by the confidence repoſed in him by the King, as much ſuperior to him in authority, and undermined his influence within his own juriſdiction [g]. It became uſual, in creating an

[e] Spelm. Gloſſ. in voce *Comis*.

[f] Eſſays on Britiſh antiquities. This practice, however, ſeems to have been more familiar in Scotland and the kingdoms on the continent, than in England.

[g] There are inſtances of princes of the blood who accepted of the office of ſheriff. Spellman in voce *Vicecomis*.

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earl, to give him a fixt ſalary, commonly about twenty pounds a year, in lieu of his third of the fines: The diminution of his power kept pace with the retrenchment of his profit: And the dignity of earl, inſtead of territorial and official, dwindled into perſonal and titular. Such were the mighty alterations, which had already fully taken place, or were gradually advancing, in the houſe of peers; that is, in the parliament: For there was antiently no other houſe.

BUT though the introduction of barons by writ, and of titular earls, had given ſome encreaſe to royal authority; there were other cauſes, which counterbalanced thoſe innovations, and tended in a higher degree to diminiſh the power of the ſovereign. The diſuſe, into which the feudal militia had in a great meaſure fallen, made the barons almoſt entirely forget their dependence on the crown: By the diminution of the number of knights fees, the King had no reaſonable compenſation when he levied ſcutages and exchanged their ſervices for money: The alienations of the crown lands had reduced him to poverty: And above all, the conceſſion of the great charter had ſet bounds to royal power, and had rendered it more difficult and dangerous for the prince to exert any extraordinary acts of arbitrary authority. In this ſituation it was natural for the King to court the friendſhip of the leſſer barons and knights, whoſe influence was nowiſe dangerous to him, and who, being expoſed to oppreſſion from their powerful neighbours, ſought a legal protection under the ſhadow of the throne. He deſired, therefore, to have their preſence in parliament, where they ſerved to controul the turbulent reſolutions of the great. To exact a regular attendance of the whole body would have produced confuſion, and would have impoſed too heavy a burden upon them. To ſummon only a few

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few by writ, though it was practiſed and had a good effect, ſerved not entirely the King's purpoſe; becauſe theſe members had no farther authority than attended their perſonal character, and were eclipſed by the appearance of the more powerful nobility. He therefore diſpenſed with the attendance of moſt of the leſſer barons in parliament; and in return for this indulgence, (for ſuch it was then eſteemed) required them to chooſe in each county a certain number of their own body, whoſe charges they bore, and who, having gained the confidence, carried with them, of courſe, the authority of the whole order. This expedient had been practiſed at different times, in the reign of Henry III.[h] and regularly, during that of the preſent King. The numbers ſent up by each county varied at the will of the prince[i]: They took their ſeat among the other peers; becauſe by their tenure they belonged to that order[k]: The introducing them into that houſe ſcarce appeared to be an innovation: And though it was eaſily in the King's power, by varying their number, to command the reſolutions of the whole parliament, this circumſtance was little attended to, in an age, when force was more prevalent than laws, and when a reſolution, though taken by the majority of a legal aſſembly, could not be executed, if it oppoſed the will of the more powerful minority.

BUT there were other important conſequences, which followed the diminution and diſuſe of the antient feudal militia. The King's expences, in levying and maintaining a military force for every enterprize, were encreaſed beyond what his narrow revenues were able to bear: As the ſcutages of his military

[h] Rot. Clauſ. 38 Hen. III. m. 7. and 12 d: As alſo Rot. Clauſ. 42 Hen. III. m. 1. d. Prynne's pref. to Cotton's Abridgement.

[i] Brady's anſwer to Petyt, from the records, p. 151.

[k] Brady's Treatiſe of Boroughs, App. N°. 13.

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tenants, which were accepted in lieu of their perſonal ſervice, had fallen to nothing; there were no means of ſupply but from voluntary aids granted him by the parliament and clergy: Or from the talliages which he might levy upon the towns and inhabitants in royal demeſne. In the former year, Edward had been obliged to exact no leſs than the ſixth of all moveables from the laity, and the half of all eccleſiaſtical benefices[1] for his expedition into Poictou, and the ſuppreſſion of the Welſh: And this diſtreſsful ſituation, which was likely often to return upon him and his ſucceſſors, made him think of a new device, and ſummon the repreſentatives of all the boroughs to parliament. This period, which is the twenty-third of his reign, ſeems to be the real and true epoch of the houſe of commons; and the firſt faint dawnings of popular government in England. For the repreſentatives of the counties were only deputies from the ſmaller barons and leſſer nobility: And the former precedent of repreſentatives from the boroughs, who were ſummoned by the earl of Leiceſter, was regarded as the act of a violent uſurpation, had been diſcontinued in all the ſubſequent parliaments, and if that meaſure had not become neceſſary on other accounts, this example was more likely to blaſt than give credit to it.

DURING the courſe of two centuries, the kings of England, in imitation of other European princes, had embraced the ſalutary policy of encouraging and protecting the lower and more induſtrious orders of the ſtate; whom they found well diſpoſed to obey the laws and civil magiſtrate, and whoſe ingenuity and labour furniſhed commodities, requiſite for the ornament of peace and ſupport of war. Though the inhabitants of the country

[1] Brady of boroughs, p. 31. from the records. Heming. vol. i. p. 52. M. Weſt. p. 422. Ryley, p. 462.

were ſtill left at the diſpoſal of their imperious lords; many attempts were made to give more ſecurity and liberty to citizens, and make them enjoy unmoleſted the fruits of their induſtry. Boroughs were erected by royal patent within the demeſne lands: Liberty of trade was conferred upon them: The inhabitants were allowed to farm at a fixed rent their own tolls and cuſtoms[m]: They were permitted to elect their own magiſtrates: Juſtice was diſtributed to them by theſe magiſtrates, without obliging them to attend the ſheriff or county courts: And ſome ſhadow of independence was gradually acquired to the people, by means of theſe equitable privileges[n]. The King, however, retained ſtill the power of levying talliages or taxes upon them at pleaſure°; and though their poverty and the cuſtoms of the age made theſe demands neither frequent nor exorbitant, ſuch unlimited authority in the ſovereign was a ſenſible check upon commerce, and was utterly incompatible with all the principles of a free government. But when the multiplied neceſſities of the crown produced a greater demand for ſupply, the King, whoſe prerogative entitled him to exact it, found, that he had not power ſufficient to enforce his edicts, and that it was requiſite, before he impoſed taxes, to ſmooth the way for his demand, and to obtain the previous conſent of the boroughs, by ſollicitations, remonſtrances, and authority. The inconvenience of tranſacting this buſineſs with every particular borough was ſoon felt; and Edward became ſenſible, that the moſt expeditious way of obtaining ſupply, was to aſſemble together the deputies of all the boroughs, to lay before them the neceſſities of

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[m] Madox, Firma Burgi, p. 21. [n] Brady of Boroughs, App. N°. 1, 2, 3.

° The King had not only the power of talliating the inhabitants within his own demeſnes, but that of granting to particular barons the power of talliating the inhabitants within theirs. See Brady's anſwer to Petyt, p. 118. Madox's Hiſt. of the Exchequer, p. 518.

the

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the ſtate, to diſcuſs the matter in their preſence, and to require their conſent to the demands of their ſovereign. For this reaſon, he iſſued writs to the ſheriffs, enjoining them to ſend to parliament along with two knights of the ſhire, two deputies from each borough within their county [p], and theſe provided with ſufficient powers from their community, to conſent, in their name, to what he and his council ſhould require of them. *As it is a moſt equitable rule*, ſays he, in his preamble to this writ, *that what concerns all ſhould be approved of by all; and common dangers be repelled by united efforts* [a]; a noble principle, which may ſeem to indicate a liberal mind in the King, and which laid the foundation of a free and an equitable government.

AFTER the election of theſe deputies, by the aldermen and common council, they gave ſureties for their attendance before the King and parliament: Their charges were borne by the borough, which ſent them: And they had ſo little idea of appearing as legiſlators, a character extremely wide of their low rank and condition [b], that no intelligence could be more diſagreeable to any borough, than to find that they muſt elect, or to any individual than that he was elected, to a truſt from which no profit or honour could poſſibly be expected [c]. They compoſed not, properly ſpeaking, any eſſential part of the parliament: They

[p] Writs were iſſued to about 120 cities and boroughs.

[a] Brady of boroughs, p. 25, 33. from the records. The writs of the parliament immediately preceding, remain: and the return of knights is there required, but not a word of the boroughs: A demonſtration, that this was the very year in which they commenced. In the year immediately preceding, the taxes were levied by a ſeeming or forced conſent of each particular borough, beginning with London. Id. p. 31, 32, 33. from the records. Alſo his anſwer to Petyt, p. 40, 41.

[b] Reliquiæ Spellm. p. 64. Prynne's pref. to Cotton's Abridg. and the Abridg. paſſim.

[c] Brady of boroughs, p. 59, 60.

met apart both from the barons and knights [d], who diſdained to mix with ſuch mean perſonages: After they had given their conſent to the taxes, required of them, their buſineſs being now finiſhed, they ſeparated, even though the parliament ſtill continued to ſit, and to canvaſs the national buſineſs [e]: And as they all conſiſted of men, who were real burgeſſes of the place, from which they were ſent, the ſheriff, when he found no perſon of abilities or wealth ſufficient for this office, often uſed the freedom of omitting particular boroughs in his returns; and as he received the thanks of the people for this indulgence, he gave no offence to the court, who levied, without diſtinction, the tax agreed to by the majority of deputies [f].

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THE union, however, of the repreſentatives from all the boroughs gave gradually more weight to the whole order; and it became cuſtomary for them, in return for the ſupplies, which they granted, to prefer petitions to the crown for the redreſs of any particular grievances, of which they found reaſon to complain. The more the King's demands multiplied, the faſter theſe petitions encreaſed both in number and authority; and the prince found it difficult to refuſe men, whoſe grants had ſupported his throne, and to whoſe aſſiſtance he might ſo ſoon be again obliged to have recourſe. The commons however were

[d] Brady of boroughs, p. 37, 38, from the records, and append. p. 19. Alſo his append. to his anſ. to Petyt, Record. And his gloſſ. in Verb. *Communitas Regn.* p. 33.

[e] Ryley's Placit. Parl. p. 241, 242, &c. Cotton's Abridg. p. 14.

[f] Brady of boroughs, p. 52, from the records. There is even an inſtance in the reign of Edward III. when the King named all the deputies. Id. anſ. to Petyt, p. 161. If he fairly named the moſt conſiderable and creditable burgeſſes, little exception would be taken; as their buſineſs was not to check the King, but to reaſon with him and conſent to his demands. It was not till the reign of Richard II. that the Sheriffs were deprived of the power of omitting boroughs at pleaſure. See Stat. at large, 5th Richard II. cap. 4.

ſtill

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ſtill much below the rank of legiſlators[g]. Their petitions, though they received a verbal aſſent from the throne, were only the rudiments of laws: The judges were afterwards entruſted with the power of putting them into form: And the King, by adding to them the ſanction of his authority, and that ſometimes without the aſſent of the nobles, beſtowed validity upon them. The age did not refine ſo much as to perceive the danger of theſe irregularities. No man was diſpleaſed, that the ſovereign, at the deſire of any claſs of men, ſhould iſſue an order, which appeared only to concern that claſs; and his predeceſſors were ſo near poſſeſſing the whole legiſlative power, that he gave no diſguſt by aſſuming it in this ſeemingly inoffenſive manner. But time and farther experience gradually opened mens eyes and corrected ſuch abuſes. It was found, that no laws could be fixed for one order of men without affecting the whole; and that the force and efficacy of laws depended entirely on the terms employed in wording them. The houſe of peers, therefore, the moſt powerful order of the ſtate, reaſonably expected, that their aſſent ſhould be expreſsly granted to all public ordinances[h]: And in the reign of Henry V. the commons required that no laws ſhould be framed merely upon their petitions, unleſs the ſtatutes were worded by themſelves, and had paſſed their houſe in the form of a bill[i].

[g] See note at the end of the volume.

[h] In theſe inſtances found in Cotton's abridgement, where the King appears to anſwer of himſelf the petions of the commons, he probably exerted no more than that power, which was long inherent in the crown, of regulating leſſer matters by his edicts or proclamations. But no durable or general ſtatute ſeems ever to have been made by the King from the petition of the commons alone, without the aſſent of the peers. It is more likely, that the peers alone, without the commons, would enact ſtatutes.

[i] Brady's anſwer to Petyt, p. 85, from the records.

BUT

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BUT as the ſame cauſes, which had produced a partition of property, continued ſtill to operate; the number of knights and leſſer barons, or what the Engliſh call the gentry, perpetually encreaſed, and ſunk into a rank ſtill more inferior to the great nobility. The equality of tenure was loſt in the great inferiority of power and property; and the houſe of repreſentatives from the counties was gradually ſeparated from that of the peers, and formed a diſtinct order in the ſtate[d]. The growth of commerce, meanwhile, augmented the private wealth and conſideration of the burgeſſes; the frequent demands of the crown encreaſed their public importance; and as they reſembled the knights of ſhires in one material circumſtance, that of repreſenting particular bodies of men; it no longer appeared unſuitable to unite them together in the ſame houſe, and to confound their rights and privileges[e]. Thus the third eſtate, that of the commons,

[d] Cotton's abridgement, p. 13.

[e] It was very agreeable to the maxims of all the feudal governments, that every order of the ſtate ſhould give their conſent to the acts which more immediately concerned them; and as the notion of a political ſyſtem was not then ſo well underſtood, the other orders of the ſtate were often not conſulted on theſe occaſions. In this reign, even the merchants, though no public body, granted the King impoſitions on merchandize, becauſe the firſt payments came out of their pockets. They did the ſame in the reign of Edward III. but the commons had then obſerved that the people paid theſe duties, though the merchants advanced them; and they therefore remonſtrated againſt this practice. Cotton's abridg. p. 39. The taxes impoſed by the knights on the counties were always lighter than thoſe which the burgeſſes laid on the boroughs; a preſumption, that in voting theſe taxes the knights and burgeſſes did not form the ſame houſe. See Chancellor Weſt's enquiry into the manner of creating peers, p. 8. But there are ſo many proofs, that theſe two orders of repreſentatives were long ſeparate, that it is needleſs to inſiſt on them. Mr. Carte, who had carefully conſulted the rolls of parliament, affirms, that they never appear to have been united till the 16th of Edward III. See Hiſt. vol. ii. p. 451. But 'tis certain that this union was not even then final: In 1372, the burgeſſes acted by themſelves, and voted a tax after the knights were diſmiſſed. See Tyrrel, Hiſt. vol. iii. p. 734, from Rot. Clauſ. 46 Edw. III. n. 9. In 1376, they were the knights alone, who paſſed a vote for the removal of Alice Pierce from the King's perſon, if we may credit Walſingham, p. 189. There is an inſtance of a like kind in the reign of Richard II. Cotton, p. 193. The different

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mons, reached at laſt its preſent form; and as the country gentlemen made thenceforwards no ſcruple of appearing as deputies of the boroughs, the diſtinction between the members was entirely loſt, and the lower houſe acquired thence a great acceſſion of weight and importance in the kingdom. Still, however, the office of this eſtate was very different from that which it has ſince exerciſed with ſo much advantage to the public. Inſtead of checking and controuling the authority of the King, they were naturally induced to adhere to him, as the great fountain of law and juſtice, and to ſupport him againſt the exorbitant power of the ariſtocracy, which at once was the ſource of oppreſſion to themſelves, and diſturbed him in the execution of the laws. The King, in his turn, gave countenance to an order of men, ſo uſeful and ſo little dangerous: The peers alſo were obliged to pay them ſome conſideration: And by this means, the third eſtate, formerly ſo abject in England, as well as in all other European nations, roſe by ſlow degrees to their preſent importance; and in their progreſs made arts and commerce, the neceſſary attendants of liberty and equality, flouriſh in the kingdom[f].

WHAT

ferent taxes voted by theſe two branches of the lower houſe, kept them naturally ſeparate: But as their petitions had moſtly the ſame object, viz. the redreſs of grievances, and the ſupport of law and juſtice both againſt the crown and the barons, this cauſe as naturally united them, and was the reaſon why they at laſt joined in one houſe for the diſpatch of buſineſs. The barons had few petitions: Their privileges were of more antient date: Grievances ſeldom affected them: They were themſelves the chief oppreſſors. In 1333, the knights by themſelves concurred with the biſhops and barons in adviſing the King to ſtay his journey into Ireland. Here was a petition which regarded a matter of ſtate, and was ſuppoſed to be above the capacity of the burgeſſes. The knights, therefore, acted a part in this petition. See Cotton, abridg. p. 13. Chief baron Gilbert thinks, that the reaſon why taxes began always with the commons or burgeſſes was, that they were limited by the inſtructions of their boroughs. See Hiſt. of the Exchequer, p. 37.

[f] The chief argument from antient authority, for the opinion that the repreſentatives of boroughs preceded the forty-ninth of Henry III. is the famous petition of the borough of St. Albans,

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WHAT ſufficiently proves, that the commencement of the houſe of burgeſſes, who are the true commons, was not an affair of chance, but aroſe from the neceſſities of the preſent ſituation, is, that Edward, at the very ſame time, ſummoned deputies from the inferior clergy, the firſt that ever met in England[g], and he required them to impoſe taxes on their conſtituents for the public ſervice. Formerly the eccleſiaſtical benefices bore no part of the burthens of the ſtate: The Pope had indeed of late often levied impoſitions upon them: He had ſometimes granted this power

St. Albans, firſt taken notice of by Selden, and then by Petyt, Brady, Tyrrel, and others. In this petition, preſented to the parliament in the reign of Edward II. the town of St. Albans aſſerts, that though they held *in capite* of the crown, and owed only, for all other ſervices, their attendance in parliament, yet the ſheriff had omitted them in his writs; whereas both in the reign of the King's father, and all his predeceſſors, they had always ſent members. Now, ſay the defenders of this opinion, if the commencement of the houſe of commons was in Henry III's reign, this expreſſion could not have been uſed. But Madox, in his Hiſtory of the Exchequer, p. 522, 523, 524, has endeavoured to deſtroy the authority of this petition for the purpoſe alleged. He aſſerts, firſt, that there was no ſuch tenure in England as that of holding by attendance in parliament, inſtead of all other ſervice. Secondly, That the borough of St. Albans never held of the crown at all, but was always demeſne land of the abbot. It is no wonder, therefore, that a petition which advances two falſhoods, ſhould contain one hiſtorical miſtake, which indeed amounts only to an inaccurate expreſſion. Accordingly St. Albans continued ſtill to belong to the abbot. It never held of the crown, till after the diſſolution of the monaſteries. But the aſſurance of theſe petitioners is remarkable. They wanted to ſhake off the authority of their abbot, and to hold of the King; but were unwilling to pay any ſervices even to the crown: Upon which they framed this petition, which latter writers have made the foundation of ſo many inferences and concluſions. From the tenor of the petition it appears, that there was a cloſe connection between holding of the crown, and being repreſented in parliament: The latter had ſcarce ever place without the former: Yet we learn from Tyrrel's Append. vol. iv. that there were ſome inſtances to the contrary. It is not improbable, that Edward followed the roll of the earl of Leiceſter, who had ſummoned, without diſtinction, all the conſiderable boroughs of the kingdom; among whom there might be ſome few who did not hold of the crown. Edward alſo found it neceſſary to impoſe taxes on all the boroughs of the kingdom without diſtinction. This was a good expedient for augmenting his revenue.

g Archbp. Wake's State of the Church of England, p. 235. Brady of boroughs, p. 34. Gilbert's Hiſt. of the Exch. p. 46.

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to the ſovereign[h]: Edward himſelf had in the former year exacted, by menaces and violence, a very grievous tax of half the revenues of the clergy: But as this precedent was dangerous, and could not eaſily be repeated in a government, which required the conſent of the ſubject to any extraordinary reſolution; Edward found it more prudent to aſſemble a lower houſe of convocation, to lay before them his neceſſities, and to aſk ſome ſupply. But on this occaſion he met with difficulties. Whether that the clergy thought themſelves the moſt independant body in the kingdom, or were diſguſted by the former exorbitant impoſitions, they abſolutely refuſed their aſſent to the King's demand of a fifth of their moveables; and it was not till a ſecond meeting, that, on their perſiſting in this refuſal, he was willing to accept of a tenth. The barons and knights granted him, without heſitation, an eleventh; the burgeſſes, a ſeventh. But the clergy ſtill ſcrupled to meet on the King's writ; leſt by ſuch obedience they ſhould ſeem to acknowledge the authority of the temporal power: And this compromiſe was at laſt fallen upon, that the King ſhould iſſue his writ to the archbiſhop; and that the archbiſhop ſhould, in conſequence of it, ſummon the clergy, who, as they then appeared to obey their ſpiritual ſuperior, no longer heſitated to meet in convocation. This expedient, however, was the cauſe, why the eccleſiaſtics met in two houſes of convocation, under their ſeveral archbiſhops, and formed not one eſtate, as in other countries of Europe; which was at firſt the King's intention[i]. We now return to the courſe of our narration.

EDWARD, conſcious of the reaſons of diſguſt which he had given the King of Scots, informed of the diſpoſitions of that

[h] Ann. Waverl. p. 227, 228. T. Wykes, p. 99, 120.
[i] Gilbert's Hiſt. of Exchеq. p. 51, 54.

people,

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people, and expecting the moſt violent effects of their reſentment, which he knew he had ſo well merited; employed the ſupplies, granted him by his people, in making preparations againſt the hoſtilities of his northern neighbour. When in this ſituation, he received intelligence of the treaty ſecretly concluded between John and Philip; and though uneaſy at this concurrence of a French and Scots war, he reſolved not to encourage his enemies by a puſillanimous behaviour, or by yielding to their united efforts. He ſummoned John to perform the duty of a vaſſal, and to ſend him a ſupply of forces againſt an invaſion from France, with which he was then threatened: He next required, that the fortreſſes of Berwic, Jedborough, and Roxborough, ſhould be put into his hands as a ſecurity during the war[k]: He cited John to appear in an Engliſh parliament, held at Newcaſtle: And when none of theſe ſucceſſive demands were complied with, he marched northward with numerous forces, 30,000 foot, and 4000 horſe, to chaſtiſe his rebellious vaſſal. The Scottiſh nation, who had little reliance on the vigour and ſpirit of their prince, aſſigned him a council of twelve noblemen, in whoſe hands the ſovereignty was really lodged[l], and who put the country in the beſt poſture, of which the preſent diſtractions would admit. A great army, compoſed of 40,000 infantry, though ſupported only by 500 cavalry, advanced to the frontiers; and after a fruitleſs attempt upon Carliſle, marched eaſtwards to defend thoſe provinces, which Edward was preparing to attack. But ſome of the moſt conſiderable of the Scottiſh nobles, Robert Bruce, the father and ſon, the earls of March and Angus, prognoſticating the ruin of their country, from the concurrence of inteſtine diviſions and a foreign invaſion, endeavoured here to ingratiate themſelves

[k] Rymer, vol. ii. p. 692. Walſing. p. 64. Heming. vol. i. p. 84. Trivet, p. 286.
[l] Heming. vol. i. p. 75.

with

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with Edward, by an early ſubmiſſion; and the King, encouraged by this favourable incident, led his army into the enemies' country, and croſſed the Tweed without oppoſition at Coldſtream. He then received a meſſage from John, by which that prince, having now procured, for himſelf and his nation, Pope Celeſtine's diſpenſation from former oaths, renounced the homage which had been done to England, and ſet Edward at defiance[m]. This bravade was but ill ſupported by the military operations of the Scots. Berwic was already taken by aſſault: Sir William Douglas, the governor, was made priſoner: Above 7000 of the garriſon were put to the ſword[n]: And Edward, elated by this great advantage, diſpatched earl Warrenne with 12,000 men, to lay ſiege to Dunbar, which was defended by the flower of the Scottiſh nobility.

THE Scots, ſenſible of the importance of this place, which, if taken, laid their whole country open to the enemy, advanced with their main army, under the command of the earls of Buchan, Lenox, and Mar, in order to relieve it. Warrenne, not diſmayed by the great ſuperiority of their number, marched out to give them battle. He attacked them with great vigour; and as

27th April. undiſciplined troops, the more numerous they are, are but the more expoſed to a panic upon any alarm, he ſoon threw them into confuſion, and chaſed them off the field with great ſlaughter[o]. The loſs of the Scots is ſaid to have amounted to 20,000 men: The caſtle of Dunbar, with all its garriſon, ſurrendered next day to Edward, who, after the battle, had brought up the main body of the Engliſh, and who now proceeded with an aſſured confi-

[m] Rymer, vol. ii. p. 607. Walſing. p. 66. Heming. vol. i. p. 92.

[n] Walſing. p. 66. Heming. vol. i. p. 89. Trivet, p. 289.

[o] Walſing. p. 67. Heming. vol. i. p. 96. Trivet, p. 291. Chron. Dunſt. vol. ii. p. 650.

dence

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dence of ſucceſs. The caſtle of Roxborough was yielded by James, ſteward of Scotland [p]; and that nobleman, from whom is deſcended the royal family of Stuart, was again obliged to ſwear fealty to Edward. After a feeble reſiſtance, the caſtles of Edinburgh and Stirling opened their gates to the enemy. All the ſouthern parts were inſtantly ſubdued by the Engliſh; and to enable them the better to reduce the northern, whoſe inacceſſible ſituation ſeemed to give them ſome more ſecurity, Edward received a ſtrong reinforcement of Welſh and Iriſh, who being accuſtomed to a deſultory kind of war, were the beſt qualified to purſue the fugitive Scots into the receſſes of their lakes and mountains [q]. But the ſpirit of the nation was already broke by their misfortunes; and the feeble and timid Baliol, diſcontented with his own ſubjects, and over-awed by the Engliſh, abandoned all thoſe reſources, which his people might yet have poſſeſſed in this extremity. He haſtened to make his ſubmiſſions to Edward; he expreſſed the deepeſt penitence for his diſloyalty to his liege lord; and he made a ſolemn and irrevocable reſignation of his crown into the hands of that monarch [r]. Edward marched northwards to Aberdeen and Elgin, without meeting an enemy: No Scotſman approached him but to pay him ſubmiſſion and do him homage [s]: Even the turbulent highlanders, ever refractory to their own princes, and averſe to the reſtraint of laws, endeavoured to prevent the devaſtation of their country, by giving him early proofs of obedience: And Edward, having brought the whole kingdom to a ſeeming ſtate of tranquillity, returned to the ſouth with his army. There was a ſtone, to which the popular ſuperſtition of the Scots paid the higheſt veneration: All

Scotland ſubdued.

[p] Heming. vol. i. p. 97. Trivet, p. 292.
[q] Heming. vol. i. p. 98. Chron. Dunſt. vol. ii. p. 650.
[r] Rymer, vol. ii. p. 718. Walſing. p. 67. Heming. vol. i. p. 99. Trivet, p. 292.
[s] Heming. vol. i. p. 100, 101.

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their Kings were ſeated on it when they received the rite of inauguration: An antient tradition aſſured them, that wherever this ſtone was placed, their nation ſhould always govern: And it was carefully preſerved at Scone, as the true palladium of their monarchy, and their ultimate reſource amidſt all their misfortunes. Edward got poſſeſſion of it; and carried it with him to England[t]. He gave orders to deſtroy all the records, and all thoſe monuments of antiquity, which might preſerve the memory of the independance of the kingdom, and refute the Engliſh claims of ſuperiority. The Scots pretend, that he alſo deſtroyed all the annals preſerved in their convents: But it is not probable, that a nation, ſo rude and unpoliſhed, would be poſſeſſed of any hiſtory, which deſerves much to be regretted. The great ſeal of Baliol was broke; and that prince himſelf was carried a priſoner to London, and committed to cuſtody in the Tower. Two years afterwards he was reſtored to his liberty, and ſubmitted to a voluntary baniſhment in France, where, without making any farther attempts for the recovery of his royalty, he died in a private ſtation. Earl Warrenne was left governor of Scotland[u]: Engliſhmen were entruſted with all the chief offices: And Edward, flattering himſelf that he had attained the end of all his wiſhes, and that the long train of fraud and violence which he had practiſed againſt Scotland, had terminated in the final reduction of that kingdom, returned with his victorious army into England.

War with France.

AN attempt, which he made about the ſame time, for the recovery of Guienne, was not equally ſucceſsful. He ſent thither an army of 7000 men, under the command of his brother

[t] Walſing. p. 68. Trivet, p. 299.
[u] Rymer, vol. ii. p. 726. Trivet, p. 295.

the

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the earl of Lancaſter; and that prince gained at firſt ſome advantages over the French at Bourdeaux: But he was ſoon after ſeized with a diſtemper, of which he died at Bayonne. The command devolved on the earl of Lincoln, who was not able to perform any thing conſiderable during the reſt of the campaign[w].

But the active and ambitious ſpirit of Edward, while his conqueſts brought ſuch conſiderable acceſſions to the Engliſh monarchy, could not be ſatisfied, ſo long as Guienne, the antient patrimony of his family, was wreſted from him by the diſhoneſt artifices of the French monarch. Finding, that the diſtance of that province rendered all his efforts againſt it feeble and uncertain, he propoſed to attack France in a quarter where ſhe appeared more vulnerable; and with this view, he married his daughter Elizabeth to John earl of Holland, and at the ſame time contracted an alliance with Guy earl of Flanders, ſtipulated to pay him the ſum of 75,000l. and projected an invaſion with their united forces upon Philip, their common enemy[x]. He hoped, that, when he himſelf, at the head of the Engliſh, Flemiſh, and Dutch armies, re-inforced by his German allies, to whom he had promiſed or remitted very conſiderable ſums, ſhould enter the frontiers of France, and threaten the capital itſelf, Philip would at laſt be obliged to relinquiſh his acquiſitions, and purchaſe peace by the reſtitution of Guienne. But in order to ſet this great machine in movement, conſiderable ſupplies were requiſite from the parliament; and Edward, without much difficulty, obtained from the barons and knights a new grant of a twelfth of all their moveables, and from the boroughs, that of an eighth.

[w] Heming. vol. i. p. 72, 73, 74.
[x] Rymer, vol. ii. p. 761. Walſing. p. 68.

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The great and almoſt unlimited power of the King over the latter, enabled him to throw the heavieſt part of the burthen on them; and the prejudices, which he ſeems always to have entertained againſt the church, on account of their former zeal for the Mountfort faction, made him reſolve to load them with ſtill more conſiderable impoſitions, and he required of them a fifth of their moveables. But he here met with an oppoſition, which for ſome time diſconcerted all his meaſures, and engaged him in enterprizes, which were ſomewhat dangerous to *him*, and would have proved ruinous to any of his predeceſſors.

Diſſentions with the clergy.

BONIFACE VIII. who had ſucceeded Celeſtine in the papal throne, was a man of the moſt lofty and enterprizing ſpirit; and though he wanted that auſterity of manners, which commonly accompanies ambition in men of his order, he was determined to carry the authority of the tiara, and his dominion over the temporal power, to as great a height as it had ever attained in any former period. Senſible that his immediate predeceſſors, by oppreſſing the church in every province of Chriſtendom, had extremely alienated the affections of the clergy, and had afforded the civil magiſtrate a pretence for laying like impoſitions on eccleſiaſtical revenues, he attempted to reſume the former ſtation of the ſovereign pontiff, and to eſtabliſh himſelf as the common protector of the ſpiritual order againſt all invaders. For this purpoſe, he iſſued very early in his pontificate a general bull, prohibiting all princes to levy without his conſent any taxes upon the clergy, and all clergymen to ſubmit to ſuch impoſitions; and threatening both of them with the penalties of excommunication in caſe of diſobedience[a]. This important edict is ſaid to

[a] Rymer, vol. ii. p. 706. Heming. vol. i. p. 104.

have been procured by the ſolicitation of Robert de Winchelſey, archbiſhop of Canterbury, who intended to employ it as a rampart againſt the violent extortions which the church had felt from Edward, and the ſtill greater, which that prince's multiplied neceſſities gave them reaſon to apprehend. When a demand, therefore, was made on the clergy of a fifth of their moveables, a tax which was probably much more grievous than a fifth of their revenue, as their lands were moſtly ſtocked with their cattle, and cultivated by their villains; the clergy took ſhelter under the bull of Pope Boniface, and pleaded conſcience in refuſing compliance[b]. The King came not immediately to extremities on this repulſe; but after locking up all their granaries and barns, and prohibiting all rent to be paid them, he appointed a new ſynod, to confer upon his demand. The primate, not diſmayed by theſe proofs of Edward's reſolution, here plainly told him, that the clergy owed obedience to two ſovereigns, their ſpiritual and their temporal; but their duty bound them to a much ſtricter attachment to the former than to the latter: They could not comply with his commands, (for ſuch, in ſome meaſure, the requeſts of the crown were then deemed) in contradiction to the expreſs prohibition of the ſovereign pontiff[c]. CHAP. XIII. 1296.

THE clergy had ſeen from many proofs, that Edward paid very little regard to thoſe numerous privileges, on which they ſet ſo high a value. He had formerly ſeized, in an arbitrary manner, all the money and plate lodged in the churches and convents, and had applied them to the public ſervice[d]; and they could not but expect more violent treatment on this ſharp refu- 1297.

[b] Heming. vol. i. p. 107. Trivet, p. 296. Chron. Dunſt. vol. ii. p. 652.
[c] Heming. vol. i. p. 107.
[d] Walſing. p. 65. Heming. vol. i. p. 51.

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sal, grounded on such dangerous principles. Instead of applying to the Pope for a relaxation of his bull, he resolved immediately to employ the power in his hands; and he told the ecclesiastics, that, since they refused to support the civil government, they were unworthy to receive any benefit from it; and he would accordingly put them out of the protection of the laws. This vigorous measure was immediately carried into execution[e]. Orders were issued to the judges to receive no cause brought before them by the clergy; to hear and decide all causes in which they were defendants: To do every man justice against them; to do them justice against no body[f]. The ecclesiastics found themselves in the most miserable situation imaginable. They could not remain in their own houses or convents for want of subsistance: If they went abroad, in quest of maintenance, they were dismounted from their horses, robbed of their cloaths, abused by every ruffian, and no redress could be obtained by them for the most violent injury. The primate himself was attacked on the high way, was stripped of all his equipage and furniture, and was at last reduced to board himself with a single servant in the house of a country clergyman[g]. The King, mean while, remained an indifferent spectator of all these violences; and without employing his officers in committing any immediate injury on the priests, which might have appeared invidious and oppressive, he took ample vengeance on them for their obstinate refusal of his demands. Though the archbishop issued a general sentence of excommunication against all who attacked the persons or property of ecclesiastics, it was not regarded; while Edward enjoyed the satisfaction of seeing the people become the voluntary instruments of his justice against them, and enure

[e] Walsing. p. 69, Heming. vol. i. p. 107.
[f] M. West. p. 429.
[g] Heming. vol. i. p. 109.

themselves

themſelves to throw off that reſpect for the ſacred order, by which they had been ſo long over-awed and governed.

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THE ſpirits of the clergy were at laſt broke by this harſh treatment. Beſides that the whole province of York, which lay neareſt the danger that ſtill hung over them from the Scots, voluntarily from the firſt voted a fifth of their moveables; the biſhops of Saliſbury, Ely, and ſome others, made a compoſition for the ſecular clergy within their ſees; and they agreed, not to pay the fifth, which would have been an act of diſobedience to Boniface's bull, but to depoſite a ſum equivalent in ſome church appointed them; where it was taken by the King's officers[h]. Many particular convents and clergymen made payment of a like ſum, and received the King's protection[i]. Thoſe who had not ready money, entered into recognizances for the payment. And there was ſcarce found one eccleſiaſtic in the kingdom, who ſeemed willing to ſuffer for the ſake of religious privileges, this new ſpecies of martyrdom, the moſt tedious and languiſhing of any, the moſt mortifying to ſpiritual pride, and not rewarded by that crown of glory, which the church holds up, with ſuch oſtentation, to her devoted adherents.

Arbitrary meaſures.

BUT as the money, granted by parliament, though conſiderable, was not ſufficient to ſupply the King's neceſſities, and that levied by compoſitions with the clergy came in ſlowly, Edward was obliged, for the ſake of farther ſupply, to exert his arbitrary power, and to lay an oppreſſive hand on all orders of men in the kingdom. He limited the merchants in the quantity of wool allowed to be exported; and at the ſame time forced them

h Heming. vol. i. p. 108, 109. Chron. Dunſt. p. 653.
i Chron. Dunſt. vol. ii. p. 654.

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to pay him a duty of forty ſhillings a ſack, which was computed to be much above the fifth of the value[a]. He ſeized all the reſt of the wool, as well as all the leather of the kingdom, into his hands, and diſpoſed of theſe commodities for his own benefit[b]: He required the ſheriffs of each county to ſupply him with 2000 quarters of wheat, and as many of oats, which he permitted them to ſeize wherever they could find them: The cattle and other commodities neceſſary for ſupplying his army were laid hold of without the conſent of the owners[c]: And though he promiſed afterwards to pay the equivalent of all theſe goods, men ſaw but little probability that a prince, who ſubmitted ſo little to the limitations of law, could ever, amidſt his multiplied neceſſities, be reduced to a ſtrict obſervance of his engagements. He ſhowed at the ſame time an equal diſregard to the principles of the feudal law, by which all the lands of his kingdom were held: In order to encreaſe his army, and enable him to ſupport that great effort, which he propoſed to make againſt France, he required the attendance of every proprietor of land, poſſeſſed of twenty pounds a year, even though he held not of the crown, and was not obliged by the tenure of his eſtate to perform any ſuch ſervice[d].

THESE acts of violence and of arbitrary power, notwithſtanding the great perſonal regard generally borne to the King, bred murmurs in every order of men; and it was not long, ere ſome of the great nobility, jealous of their own privileges, as well as of national liberty, gave countenance and authority to theſe complaints. Edward aſſembled an army on the ſea-coaſt, which he propoſed to ſend over into Gaſcony, while he himſelf ſhould in

[a] Walſing. p. 69. Trivet, p. 296. [b] Heming. vol. i. p. 52, 110.
[c] Heming. vol. i. p. 111. [d] Walſing. p. 69.

perſon

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perſon make an impreſſion on the ſide of Flanders, and he intended to put theſe forces under the command of Humphrey Bohun, earl of Hereford, the conſtable, and Roger Bigod, earl of Norfolk, the mareſchal of England. But theſe two powerful earls refuſed to execute his commands, and affirmed, that they were only obliged by their office to attend his perſon in the wars. A violent altercation enſued; and the King, in the height of his paſſion, addreſſing himſelf to the conſtable, exclaimed, *Sir earl, by God, you ſhall either go or hang*. *By God, Sir King*, replied Hereford, *I will neither go nor hang*[e]. And he immediately departed, with the mareſchal, and above thirty other conſiderable barons.

UPON this oppoſition, the King laid aſide the project of an expedition againſt Guienne; and aſſembled the forces, which he himſelf propoſed to tranſport into Flanders. But the two earls, irritated in the conteſt and elated by impunity, pretending that none of their anceſtors had ever ſerved in that country, refuſed to perform the duty of their office in muſtering the army[f]. The King, now finding it adviſeable to proceed with moderation, inſtead of forfeiting the earls, who poſſeſſed their dignities by hereditary right, appointed Thomas de Berkeley, and Geoffrey de Geyneville, to act in that emergence, as conſtable and mareſchal[g]. He endeavoured to reconcile himſelf with the church; took the primate again into favour[h]; made him, in conjunction with Reginald de Grey, tutor to the prince, whom he propoſed to appoint guardian of the kingdom during his abſence; and he even aſſembled a great number of the nobility in Weſtminſter-hall, to whom he deigned to make an apology for his paſt conduct. He pleaded the urgent neceſſities of the crown; his extreme-

e Heming. vol. i. p. 112.
f Rymer, vol. ii. p. 783. Walſing. p. 70.
g M. Weſt. p. 430.
h Heming. vol. i. p. 113.

want-

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want of money; his engagements from honour as well as intereſt to ſupport his allies abroad: And he promiſed, if ever he returned in ſafety, to redreſs all their grievances, to reſtore the execution of the laws, and to make all his ſubjects compenſation for the loſſes, which they had ſuſtained. Meanwhile, he begged them to ſuſpend their animoſities; to judge of him by his future behaviour, of which, he hoped, he ſhould be more maſter; to remain faithful to his government, or if he periſhed in the preſent war, to preſerve their allegiance to his ſon and ſucceſſor [i].

THERE were certainly, from the concurrence of diſcontents among the great, and the grievances of the people, materials ſufficient in any other period to have kindled a civil war in England: But the vigour and abilities of Edward kept every one in awe; and his dexterity in ſtopping on the brink of danger, and retracting the meaſures, to which he was puſhed by his violent temper and arbitrary principles, ſaved the nation from ſo great a calamity. The two great earls dared not to break out into open violence; and they proceeded no farther than framing a remonſtrance, which was delivered to the King at Winchelſea, when he was ready to embark for Flanders. They there complained of the violations of the great charter and that of foreſts; the violent ſeizure of corn, leather, cattle, and above all, of wool, a commodity, which they affirmed to be equal in value to half the lands of the kingdom; the arbitrary impoſition of forty ſhillings a ſack on the ſmall quantity of wool allowed to be exported by the merchants; and they claimed an immediate redreſs of all theſe grievances [k]. The King told them, that the greateſt part of his council were now abſent, and without their

[i] Heming. vol. i. p. 114. M. Weſt. p. 430.
[k] Walſing. p. 72. Heming. vol. i. p. 115. Trivet, p. 302.

advice

advice he could not deliberate on meaſures of ſo great conſequence[l].

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Diſſenſions with the barons.

BUT the conſtable and mareſchal, with the barons of their party, reſolved to take advantage of Edward's abſence, and to obtain an authentic aſſent to their demands. When ſummoned to attend the parliament at London, they came with a great body of cavalry and infantry; and before they would enter the city, required that the gates ſhould be put into their cuſtody[m]. The primate, who ſecretly favoured all their pretenſions, adviſed the council to comply; and thus they became maſters both of the young prince and of the reſolutions of parliament. Their demands, however, were very moderate; and ſuch as ſufficiently juſtify the purity of their intentions in all their paſt meaſures: They only required, that the two charters ſhould receive a ſolemn confirmation; that a clauſe ſhould be added to ſecure the nation for ever againſt all impoſitions and taxes without conſent of parliament; and that they themſelves and their adherents, who had refuſed to attend the King into Flanders, ſhould be pardoned for this offence, and ſhould be again received into favour[n]. The prince of Wales and his council aſſented to theſe terms; and the charters were ſent over to the King in Flanders to be there confirmed by him. Edward felt the utmoſt reluctance to this meaſure, which, he apprehended, would for the future impoſe fetters on his conduct, and ſet limits to his lawleſs authority. On various pretences, he delayed three days the giving any anſwer to the deputies; and when the pernicious conſequences of his refuſal were repreſented to him, he was at laſt obliged, after many internal ſtruggles, to affix his ſeal to the charters, as alſo

[l] Walſing. p. 72. Heming. vol. i. p. 117. Trivet, p. 304.
[m] Heming. vol. i. p. 138.
[n] Walſing. p. 73. Heming. vol. i. p. 138, 139, 140, 141. Trivet, p. 308.

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to the clauſe that bereaved him of the power, which he had hitherto aſſumed, of impoſing arbitrary taxes upon the people[o].

THAT we may finiſh at once this intereſting tranſaction concerning the ſettlement of the charters, we ſhall briefly mention the ſubſequent events which relate to it. The conſtable and mareſchal, informed of the King's compliance, were ſatisfied; and not only ceaſed from diſturbing the government, but aſſiſted the regency with all their power againſt the Scots, who had riſen in arms, and had thrown off the yoke of the Engliſh[p]. But being ſenſible, that the ſmalleſt pretence would ſuffice to make Edward retract theſe deteſted laws, which, though they had often received the ſanction both of King and parliament, and had been acknowledged during three reigns, were never yet deemed to have ſufficient validity; they inſiſted, that he ſhould again confirm them on his return to England, and ſhould thereby renounce all plea which he might derive from his reſiding in a foreign country, when he formerly affixed his ſeal to them[q]. It appeared, that they judged aright of Edward's character and intentions: He delayed this confirmation as long as poſſible; and when the fear of worſe conſequences obliged him again to comply, he added expreſsly a ſalvo for his royal dignity or prerogative, which in effect enervated the whole force of the charters[r]. The two earls and their adherents left the parliament in diſcontent; and the King was conſtrained, in a future conceſſion, to grant to the people, without any ſubterfuge, a pure and abſolute confirmation of thoſe laws[s], which were ſo much the object of their paſſionate affection. Even farther ſecurities were then

[o] Walſing. p. 74. Heming. vol. i. p. 143.
[p] Heming. vol. i. p. 143.
[q] Heming. vol. i. p. 159.
[r] Heming. vol. i. p. 167, 168.
[s] Heming. vol. i. p. 168.

provided

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provided for the eſtabliſhment of national privileges. Three knights were appointed to be choſen in each county, and were inveſted with the power of puniſhing by fines and impriſonment, every tranſgreſſion or violation of the charters[t]: A precaution, which, though it was ſoon diſuſed, as encroaching too much on royal prerogative, proves the attachment, which the Engliſh in that age bore to liberty, and their well-founded jealouſy of the arbitrary diſpoſition of Edward.

THE work, however, was not yet entirely finiſhed and compleat. In order to execute the leſſer charter, it was requiſite by new perambulations to ſet bounds to the royal foreſts, and to diſafforeſt all land which former encroachments had comprehended within their limits. Edward diſcovered the ſame reluctance to comply with this equitable demand; and it was not till after many delays on his part, and many ſolicitations and requeſts, and even menaces of war and violence[u], on the part of the barons, that the perambulations were made, and exact boundaries fixt, by a jury in each county, to the extent of his foreſts[w]. Had not his ambitious and active temper raiſed him ſo many foreign enemies, and obliged him to have recourſe ſo often to the aſſiſtance of his ſubjects, it is likely that theſe conceſſions could never have been extorted from him.

BUT while the people, after ſo many ſucceſsful ſtruggles, deemed themſelves happy in the ſecure poſſeſſion of their privileges; they were ſurprized in 1305 to find, that Edward had

[t] Hemingford, vol. i. p. 170.

[u] Walſing. p. 80. We are told by Tyrrel, vol. ii. p. 145. from the Chronicle of St. Albans, that the barons, not contented with the execution of the charter of foreſts, demanded of Edward as high terms as had been impoſed on his father by the earl of Leiceſter: But no other hiſtorian mentions this particular.

[w] Heming. vol. i. p. 171. M. Weſt. p. 431, 433.

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ſecretly applied to Rome, and had procured from that mercenary court, an abſolution from all the oaths and engagements, which he had ſo often reiterated to obſerve both the charters. There are ſome hiſtorians [x] ſo credulous as to imagine, that this perilous ſtep was taken by him for no other purpoſe than to acquire the merit of granting a new confirmation of the charters, as he did ſoon after; and a confirmation ſo much the more unqueſtionable, as it could never after be invalidated by his ſucceſſors from the pretence of any force or violence which had been impoſed on him. But beſides, that this might have been done with a much better grace, if he had never applied for any ſuch abſolution, the whole tenor of his conduct proves him to be little ſuſceptible of ſuch refinements in patriotiſm; and this very deed itſelf, in which he confirmed anew the charters, carries on the face of it a very oppoſite preſumption. Though he ratified the charters in general, he ſtill laid hold of the papal bull ſo far as to invalidate the late perambulations of the foreſts, which had been made with ſuch care and attention, and to reſerve to himſelf the power, in caſe of favourable incidents, to extend as much as formerly theſe arbitrary juriſdictions. If the power was not in fact made uſe of, we can only conclude, that the favourable incidents did not occur.

THUS, after the conteſts of near a whole century, and thoſe ever accompanied with violent jealouſies, often with public convulſions, the great charter was finally eſtabliſhed; and the Engliſh nation have the honour of extorting, by their perſeverance, this conceſſion from the ableſt, the moſt warlike, and the moſt ambitious of all their princes [y]. It is computed, that above thirty confir-

[x] Brady, vol. ii. p. 84. Carte, vol. ii. p. 292.

[y] It muſt however be remarked, that the King never forgave the chief actors in this tranſaction,

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confirmations of it were at different times required of ſeveral Kings, and granted by them, in full parliament; a precaution, which, while it diſcovers ſome ignorance of the true nature of law and government, proves a very laudable jealouſy of national privileges in the people, and an extreme anxiety, leſt contrary precedents ſhould ever be pleaded as an authority for infringing them. Accordingly we find, that, though arbitrary practices often prevailed, and were even able to eſtabliſh themſelves into ſettled cuſtoms, the validity of the great charter was never afterwards formally diſputed; and that grant was ſtill regarded as the baſis of Engliſh government, and the ſure rule by which the authority of every cuſtom was to be tried and canvaſſed. The juriſdiction of the Star-chamber, martial law, impriſonment by warrants from the privy council, and other practices of a like nature, though eſtabliſhed for ſeveral centuries, were ſcarce ever allowed by the Engliſh to be parts of their conſtitution: The affection of the nation for liberty ſtill prevailed over all precedent, and even all political reaſoning: The exerciſe of theſe powers, after being long the ſource of ſecret murmurs among the people, was, in fullneſs of time, ſolemnly aboliſhed, as illegal, at leaſt as oppreſſive, by the whole legiſlative authority.

To return to the period, from which this account of the charters has led us: Though the King's impatience to appear at the head of his armies in Flanders made him overlook all conſiderations, either of domeſtic diſcontents or of commotions among the Scots; he had been ſo long retarded by the ſeveral

faction, and he found means afterwards to oblige both the conſtable and mareſchal to reſign their offices into his hands. The former received a new grant of it: But the office of mareſchal was given to Thomas of Brotherton, the King's ſecond ſon.

obſtructions

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1297. obſtructions thrown in his way, that he loſt the proper ſeaſon for action, and after his arrival made no progreſs againſt the enemy. The King of France, taking advantage of his abſence, had broke into the Low Countries; had defeated the Flemings in the battle of Furnes; had made himſelf maſter of Liſle, St. Omer, Courtrai, and Ypres; and ſeemed in a ſituation to take full vengeance on the earl of Flanders, his rebellious vaſſal. But Edward, ſeconded by an Engliſh army of 50,000 men (for this is the number aſſigned by hiſtorians [z]) was ſoon able to ſtop the career of his victories; and Philip, finding all the weak reſources of his kingdom to be already exhauſted, began to dread a reverſe of fortune, and to apprehend an invaſion on France itſelf. The King of England, on the other hand, diſappointed of aſſiſtance from Adolph, King of the Romans, which he had purchaſed at a very high price, and finding many urgent calls for his preſence in England, was deſirous of ending on any honourable terms a war, which ſerved only to divert his force from the execution of more important projects. This diſpoſition of both monarchs ſoon produced a ceſſation of hoſtilities for two years; and engaged them to ſubmit their differences to the arbitration of Pope Boniface.

1298. BONIFACE was the laſt of the ſovereign pontiffs who exerciſed an authority over the temporal juriſdiction of princes; and theſe exorbitant pretenſions, which he had been tempted to aſſume from the ſucceſsful example of his predeceſſors, but of which the ſeaſon was now paſt, involved him in ſo many calamities, and were attended with ſo unfortunate a cataſtrophe, that they have been ſecretly abandoned, though never openly relinquiſhed, by his ſucceſſors in the apoſtolic chair. Edward and Philip, equally jealous of papal claims, took care to inſert in their reference, that Boniface was made judge of the diffe-

[z] Heming. vol. i. p. 146.

rences

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rences by their conſent, as a private perſon, not by any right of his pontificate; and the pope, without ſeeming to be offended at this mortifying clauſe, proceeded to give a ſentence between them, in which they both acquieſced[a]. He brought them to agree, that their union ſhould be cemented by a double marriage; that of Edward himſelf, who was now a widower, with Margaret, Philip's ſiſter, and that of the prince of Wales, with Iſabella, daughter of that monarch[b]. Philip was likewiſe willing to reſtore Guienne to the Engliſh, which he had indeed no pretenſions to detain; but he inſiſted, that the Scots and their King, John Baliol, ſhould, as his allies, be alſo comprehended in the treaty, and ſhould be reſtored to their liberty. The difference was, after ſeveral diſputes, compromiſed by making mutual ſacrifices to each other. Edward agreed to abandon his ally the earl of Flanders, on condition that Philip ſhould treat in like manner his ally the King of Scots. The proſpect of conquering theſe two countries, whoſe ſituation made them ſo commodious an acquiſition to the different kingdoms, prevailed over all other conſiderations; and though they were both finally diſappointed in their hopes, their conduct was very reconcilable to the principles of an intereſted policy. This was the firſt ſpecimen which the Scots had of the French alliance, and which was exactly conformable to what a ſmaller power muſt always expect, when it blindly attaches itſelf to the will and fortunes of a greater. That unhappy people, now engaged in a brave, though unequal conteſt for their liberties, were totally abandoned by the ally, in whom they repoſed their final confidence, to the will of an imperious conqueror.

Peace with France.

[a] Rymer, vol. ii. p. 817. Heming. vol. i. p. 149. Trivet, p. 310.
[b] Rymer, vol. ii. p. 823.

THOUGH

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Revolt of Scotland.

THOUGH England, as well as all other European countries, was, in its antient ſtate, very ill qualified for making, and ſtill worſe for maintaining conqueſts, Scotland was ſo much inferior in its internal force, and was ſo ill ſituated for receiving foreign ſuccours, that it is no wonder an ambitious monarch ſhould have caſt his eye on ſo tempting an acquiſition, which brought both ſecurity and greatneſs to his native kingdom. But the inſtruments whom Edward employed to maintain his dominion over the northern kingdom, were not happily choſen; and acted not with the requiſite prudence and moderation, in reconciling the Scottiſh nation to a yoke, which they bore with ſuch extreme reluctance. Warrenne retiring into England, on account of his bad ſtate of health, left the adminiſtration entirely in the hands of Ormeſby, who was appointed juſticiary of Scotland, and Creſſingham, who bore the office of treaſurer; and a very ſmall military force remained to ſecure the precarious authority of theſe miniſters. The latter had no other object but the amaſſing money by rapine and injuſtice: The former diſtinguiſhed himſelf by the rigor and ſeverity of his temper: And both of them, treating the Scots as a conquered people, made them ſenſible, too early, of the grievous ſervitude into which they had fallen. As Edward required, that all the proprietors of land ſhould ſwear fealty to him; every one, who refuſed or delayed the giving this teſtimony of ſubmiſſion, was outlawed, and confined, and puniſhed without mercy; and the braveſt and moſt generous ſpirits of the nation were thus exaſperated to the higheſt degree againſt the Engliſh government[c].

THERE was one William Wallace, of a ſmall fortune, but deſcended of an antient family, in the weſt of Scotland, whoſe

[c] Walſing. p. 70. Heming. vol. i. p. 118. Trivet, p. 299.

courage

courage prompted him to undertake, and enabled him finally to execute, the desperate attempt of delivering his native country from the dominion of foreigners. This man, whose valorous exploits are the object of just admiration, but have been much exaggerated by the traditions of his countrymen, had been provoked by the insolence of an English officer to put him to death; and finding himself obnoxious on that account to the severity of the administration, he fled into the woods, and offered himself as a leader to all those whom their crimes or bad fortune, or avowed hatred of the English, had reduced to a like necessity. He was endowed with a gigantic force of body, with heroic courage of mind, with disinterested magnanimity, with an incredible patience and ability to bear hunger, fatigue, and all the severities of the seasons; and he soon acquired among those desperate fugitives that authority to which his virtues so justly intitled him. Beginning with small attempts, in which he was always successful, he gradually proceeded to more momentous enterprizes; and he discovered equal caution in securing his followers, and valour in annoying the enemy. By his knowledge of the country, he was enabled, when pursued, to ensure a retreat among the morasses or forests or mountains; and again, collecting his dispersed associates, he appeared unexpectedly in another quarter, and surprized and routed and put to the sword the unwary English. Every day brought accounts of his great actions, which were received with no less favour by his countrymen than terror by the enemy: All those, who thirsted after military fame, were desirous to partake of his renown: His successful valour seemed to vindicate the nation from the ignominy into which it had fallen, by its tame submission to the English: And though no nobleman of note ventured as yet to join his party, he had gained a general confidence and attachment, which birth and fortune are not alone able to confer.

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WALLACE, having by many fortunate enterprizes, brought the valour of his followers to correſpond to his own, reſolved to ſtrike a deciſive blow againſt the Engliſh government; and he concerted the plan of attacking Ormeſby at Scone, and of taking vengeance on him, for all the violence and tyranny of which he had been guilty. The juſticiary, apprized of his intention, fled haſtily into England: All the other officers of that nation imitated his example: Their terror added alacrity and courage to the Scots, who betook themſelves to arms in every quarter: Many of the principal barons, and among the reſt ſir William Douglas[d], openly countenanced Wallace's party: Robert Bruce ſecretly favoured and promoted the ſame cauſe: And the Scots, ſhaking off their fetters, prepared themſelves to defend, by an united effort, that liberty which they had ſo unexpectedly recovered from the hands of their oppreſſors.

BUT Warrenne, collecting an army of 40,000 men in the north of England, prepared to re-eſtabliſh his authority; and he endeavoured, by the celerity of his armament, and of his march, to compenſate for his paſt negligence, which had enabled the Scots to ſhake off the Engliſh government. He ſuddenly entered Annandale, and came up with the enemy at Irvine, before their forces were fully collected, and before they had put themſelves in a proper poſture of defence. Many of the Scots nobles, alarmed with their dangerous ſituation, here ſubmitted to the Engliſh, renewed their oaths of fealty, promiſed to deliver hoſtages for their good behaviour, and received a pardon for paſt offences[e]. Others who had not yet declared themſelves, ſuch as the ſteward of Scotland and the earl of Lennox, joined, though with reluctance, the Engliſh army; and waited a favourable opportunity of embracing the cauſe of their diſtreſſed countrymen. But

d Walſing. p. 70. Heming. vol. i. p. 118.

e Heming. vol. i p. 121, 122.

Wallace,

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Wallace, whoſe authority over his retainers was more fully confirmed by the abſence of the great nobles, perſevered obſtinately in his purpoſe; and finding himſelf unable to give battle to the enemy, he marched northwards, with an intention of prolonging the war, and of turning to his advantage the ſituation of that mountainous and barren country. When Warrenne advanced to Stirling, he found Wallace encamped at Cambuſkenneth, on the oppoſite banks of the Forth; and being continually urged by the impatient Creſſingham, who was actuated both by perſonal and national animoſities againſt the Scots [f], he prepared to attack them in that poſition, which Wallace, no leſs prudent than courageous, had choſen for his army [g]. In ſpite of the remonſtrances of Sir Richard Lundy, a Scotſman of birth and family, who ſincerely adhered to the Engliſh, he ordered his army to paſs a bridge which lay over the Forth; but he was ſoon convinced, by fatal experience, of the error of his conduct. Wallace, allowing ſuch numbers of the Engliſh to paſs as he thought proper, attacked them before they were fully formed, put them to rout, puſhed part of them into the river, where they were drowned, deſtroyed the reſt by the edge of the ſword, and obtained a complete victory over them [h]. Among the ſlain was Creſſingham himſelf, whoſe memory was ſo extremely odious to the Scots, that they flea'd his dead body, and made ſaddles and girths of his ſkin [i]. Warrenne, finding the remainder of his army much diſmayed by this misfortune, was obliged again to evacuate the kingdom, and retire into England. The caſtles of Roxborough and Berwick, ill fortified and feebly defended, fell ſoon after into the hands of the Scots.

[f] Heming. vol. i. p. 127.

[g] On the 11th of September 1297.

[h] Walſing. p. 73. Heming. vol. i. p. 127, 128, 129. Trivet, p. 307.

[i] Heming. vol. i. p. 130.

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WALLACE, univerſally revered as the deliverer of his country, now received from the hands of his followers, the dignity of regent or guardian under the captive Baliol; and finding that the diſorders of war, as well as the unfavourable ſeaſons, had produced a famine in Scotland, he urged his army to march into England, to ſubſiſt at the expence of the enemy, and to revenge all paſt injuries, by retaliating on that hoſtile nation. The Scots, who deemed every thing poſſible under ſuch a leader, joyfully attended his call; and Wallace, breaking into the northern counties during the winter ſeaſon, laid every place waſte with fire and ſword; and after extending on all ſides, without oppoſition, the fury of his ravages, as far as the biſhopric of Durham, he returned loaded with ſpoils, and crowned with glory, into his own country [k]. The diſorders, which at that time prevailed in England, from the refractory behaviour of the conſtable and mareſchal, made it impoſſible to collect an army ſufficient to reſiſt the enemy, and expoſed the nation to this loſs and diſhonour.

BUT Edward, who received in Flanders intelligence of theſe events, and had already concluded a truce with France, now haſtened over into England, in certain hopes, by his activity and valour, not only of wiping off this diſgrace, but of recovering that important conqueſt of Scotland, which he always regarded as the chief glory and advantage of his reign. He appeaſed the murmurs of his people by conceſſions and promiſes: He reſtored to the citizens of London the election of their own magiſtrates, of which they had been bereaved in the latter part of his father's reign: He ordered ſtrict enquiry to be made concerning the quantities of corn and other goods, which had been vio-

[k] Heming. vol. i. p. 131, 132, 133.

lently ſeized before his departure, as if he intended to pay the value to the owners [1]: And making public profeſſions of confirming and obſerving the charters, he regained the confidence of the diſcontented nobles. Having by all theſe popular arts rendered himſelf entirely maſter of his people, he collected the whole military force of England, Wales, and Ireland; and marched with an army of near an hundred thouſand combatants to the northern frontiers.

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NOTHING could have enabled the Scots to reſiſt, but for one ſeaſon, ſo mighty a power, except an entire union among themſelves; but as they were deprived of their King, whoſe perſonal qualities, even when he was preſent, appeared ſo contemptible, and had left among his ſubjects no principle of attachment to him or his family; factions, jealouſies, and animoſities unavoidably aroſe among the great, and diſtracted all their councils. The elevation of Wallace, though purchaſed by ſo great merit, and ſuch eminent ſervices, was the object of envy to the nobility, who repined to ſee a private gentleman raiſed above them by his rank, and ſtill more by his glory and reputation. Wallace himſelf, ſenſible of their jealouſy, and dreading the ruin of his country from thoſe inteſtine diſcords, voluntarily reſigned his authority, and retained only the command over that body of his followers, who, being accuſtomed to victory under his ſtandard, refuſed to follow into the field any other leader. The chief power devolved on the ſteward of Scotland, and Cummin of Badenoch; men of eminent birth, under whom the great chieftains were more willing to ſerve in defence of their country. The two Scottiſh commanders, collecting their ſeveral forces from every quarter, fixed their ſtation at Falkirk, and propoſed

1. Rymer, vol. ii. p. 813.

there

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there to abide the aſſault of the Engliſh. Wallace was at the head of a third body, which acted under his command. The Scots army placed their pikemen along their front: Interlined the intervals between the three bodies with archers: And dreading the great ſuperiority of the Engliſh in cavalry, endeavoured to ſecure their front by paliſadoes, tied together with ropes [m]. In this diſpoſition, they expected the approach of the enemy.

22d July. Battle of Falkirk.

THE King, when he arrived in ſight of the Scots, was pleaſed with the proſpect of being able, by one deciſive ſtroke, to determine the fortune of the war; and dividing his army alſo into three bodies, he led them to the attack. The Engliſh archers, who began about this time to ſurpaſs thoſe of other nations, firſt chaced the Scottiſh bowmen off the field; and then pouring in their arrows among the pikemen, who were cooped up within their intrenchments, began to throw them into diſorder, and rendered the aſſault of the Engliſh pikemen and cavalry more eaſy and ſucceſsful. The whole Scottiſh army was broke, and chaced off the field with great ſlaughter; which the hiſtorians, attending more to the exaggerated relations of the populace, than to the probability of things, make amount to fifty or ſixty thouſand men [n]. It is only certain, that the Scots never ſuffered a greater loſs in any action, nor one which ſeemed to threaten more inevitable ruin to their country.

IN this general rout of the army, Wallace's military ſkill and preſence of mind enabled him to keep his troops entire; and retiring behind the Carron, he marched leiſurely along the banks of that ſmall river, which protected him from the enemy.

[m] Walſing. p. 75. Heming. vol. i. p. 163.

[n] Walſing. p. 76. T. Wykes, p. 127. Heming. vol. i. p. 163, 164, 165. Trivet, p. 313, ſays only 20,000. M. Weſt. p. 431, ſays 40,000.

Young

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Young Bruce, who had already given many proofs of his aſpiring genius, but who ſerved hitherto in the Engliſh army, appeared on the oppoſite banks; and diſtinguiſhing the Scottiſh chieftain, as well by his majeſtic port, as by the intrepid activity of his behaviour, called out to him, and deſired a ſhort conference. He here repreſented to Wallace the fruitleſs and ruinous enterprize in which he was engaged; and endeavoured to perſuade him to bend at laſt his inflexible ſpirit to ſubmiſſion under ſuperior power and ſuperior fortune: He inſiſted on the unequal conteſt between a weak ſtate, deprived of its head and agitated by inteſtine diſcord, and a mighty nation, conducted by the ableſt and moſt martial monarch of the age, and poſſeſſed of every reſource either for drawing out the war, or for puſhing it with vigour and activity: If the love of his country was his motive for perſeverance, his obſtinacy tended only to prolong her miſery; if he carried his views to private grandeur and ambition, he might reflect, that, even if Edward ſhould withdraw his armies, it appeared from paſt experience, that ſo many haughty nobles, proud of the pre-eminence of their families, would never ſubmit to perſonal merit, whoſe ſuperiority they were leſs inclined to regard as an object of admiration, than as a reproach and injury to themſelves. To theſe exhortations Wallace replied, that if he had hitherto acted alone, as the champion of his native country, it was ſolely becauſe no ſecond or competitor, or what he rather wiſhed, no leader had as yet appeared to place himſelf in that honourable ſtation: That the blame lay entirely on the nobility, and chiefly on Bruce himſelf, who uniting perſonal merit to dignity of family, had deſerted the poſt, which both nature and fortune, by ſuch powerful calls, invited him to aſſume: That the Scots, poſſeſſed of ſuch a head, would, by their unanimity and concord, have ſurmounted the chief difficulty under which they now laboured, and might hope, notwithſtanding

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their preſent loſſes, to oppoſe ſucceſsfully all the abilities and power of Edward: That Heaven itſelf could not ſet a more glorious prize before the eyes either of virtue or ambition, than to conjoin in one object, the acquiſition of royalty with the defence of national independence: And that as the intereſts of his country, no more than thoſe of a brave man, could never be ſincerely cultivated by a ſacrifice of liberty, he himſelf was determined, as far as poſſible, to prolong, not her miſery, but her freedom, and was deſirous, that his own life, as well as the exiſtence of the nation, might terminate, when they could no longer be preſerved but by receiving the chains of a haughty victor. The gallantry of theſe ſentiments, though delivered by an armed enemy, ſtruck the generous mind of Bruce: The flame was conveyed from the breaſt of one hero to that of another: He repented of his engagements with Edward; and opening his eyes to the honourable path, pointed out to him by Wallace, ſecretly determined to ſeize the firſt opportunity of embracing the cauſe, however deſperate, of his oppreſſed country[o].

1299. THE ſubjection of Scotland, notwithſtanding this great victory of Edward, was not yet entirely completed. The Engliſh army, after reducing all the ſouthern provinces, was obliged to retire for want of proviſions; and left the northern counties in the hands of the natives. The Scots, no leſs enraged with their preſent defeat, than elevated by their paſt victories, ſtill maintained the conteſt for liberty; but being fully ſenſible of the great inferiority of their forces, they endeavoured, by application to foreign courts, to procure themſelves ſome aſſiſtance. The ſupplications of the Scottiſh miniſters were rejected

[o] This ſtory is told by all the Scots writers; though it muſt be owned that Trivet and Hemingford, authors of good credit, both agree that Bruce was not in Edward's army.

by

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1300. Scotland again ſubdued.

by Philip; but were more ſucceſsful with the court of Rome. Boniface, pleaſed with an occaſion of exerting his authority, wrote a letter to Edward, exhorting him to put a ſtop to the oppreſſions of Scotland, and diſplaying all the proofs, ſuch as they had probably been furniſhed him by the Scots themſelves, for the antient independance of that kingdom[p]. Among other arguments, hinted at above, he mentioned the treaty conducted and finiſhed by Edward himſelf, for the marriage of his ſon with the heireſs of Scotland; a treaty which would have been abſurd, had he been ſuperior lord of the kingdom, and had poſſeſſed by the feudal law the right of diſpoſing of his ward in marriage. He mentioned ſeveral other ſtriking facts, which fell within the compaſs of Edward's own knowledge; particularly, that Alexander, when he did homage to the king, openly and expreſsly declared in his preſence, that he ſwore fealty not for his crown, but for the lands which he held in England: And the Pope's letter might have paſſed for a very reaſonable one, had he not ſubjoined his own claim to be liege lord of Scotland; a right, which had not once been heard of, but which, with a ſingular confidence, he aſſerted to be full, entire, and derived from the moſt remote antiquity. The affirmative ſtyle, which had been ſo ſucceſsful with him and his predeceſſors in ſpiritual conteſts, was never before abuſed after ſo egregious a manner in any civil controverſy.

THE reply, which Edward wrote to Boniface's letter, contains particulars, no leſs ſingular and remarkable[q]. He there 1301.

[p] Rymer, vol. ii. p. 844. Walſing. p. 78, 80. Heming. vol. i. p. 172. Trivet, p. 318. M. Weſt. p. 435.

[q] Rymer, vol. ii. p. 863. Walſing. p. 81. Heming. vol. i. p. 177. Trivet, p. 320. M. Weſt. p. 439. Ryley, p. 596.

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proves the ſuperiority of England by hiſtorical facts, deduced from Brutus, the Trojan, who, he ſaid, firſt founded the Britiſh monarchy in the age of Eli and Samuel: He ſupports his poſition by all the events which paſſed in the iſland before the arrival of the Romans: And after laying great ſtreſs on the extenſive dominion and heroic victories of King Arthur, he vouchſafes at laſt to deſcend to the times of Edward the elder, with which, in his ſpeech to the ſtates of Scotland, he had choſen to begin his claim of ſuperiority. He aſſerts it to be a fact, *notorious and confirmed by the records of antiquity*, that the Engliſh monarchs had often conferred the kingdom of Scotland on their own ſubjects; had dethroned theſe vaſſal kings when unfaithful to them; and had ſubſtituted others in their place. He diſplays with great pomp the full and complete homage which William had done to Henry II; without mentioning the formal abolition of that *extorted* deed by King Richard, and the renounciation of all future claims of the ſame nature. Yet this paper he begins with a ſolemn appeal to the Almighty, the ſearcher of hearts, for his own firm perſuaſion of the juſtice of his claim; and no leſs than an hundred and four barons aſſembled in parliament at Lincoln, concur, in maintaining before the Pope, under their ſeals, the validity of theſe pretenſions[r]. At the ſame time, however, they take care to inform Boniface, that, tho' they had juſtified their cauſe before him, they did not receive him for their judge: The crown of England was free and ſovereign: They had ſworn to maintain all its royal prerogatives, and would never permit the king himſelf, were he willing, to relinquiſh its independancy.

[r] Rymer, vol. ii. p. 873. Walſing. p. 85. Heming. vol. i. p. 186. Trivet, p. 330. M. Weſt. p. 443.

CHAP. XIII. 1302.

THAT neglect, almoſt total, of truth and juſtice, which ſovereign ſtates diſcover in their tranſactions with each other, is an evil inveterate in the world; is one great ſource of the miſery to which the human race is continually expoſed; and it may be doubted, whether in many inſtances it is found in the end to contribute to the intereſts of thoſe princes themſelves, who thus ſacrifice their integrity to their politics. As few monarchs have lain under ſtronger temptations to violate the principles of equity, than Edward in his tranſactions with Scotland; ſo never were they violated with leſs ſcruple and reſerve: Yet his advantages were hitherto precarious and uncertain; and the Scots, once rouſed to arms and enured to war, began to appear a formidable enemy, even to this military and ambitious prince. They choſe John Cummin for their regent; and not content with maintaining their independance in the northern parts, they made incurſions into the ſouthern counties, which Edward imagined he had totally ſubdued. John de Segrave, whom he had left guardian of Scotland, led an army to oppoſe them; and lying at Roſlin near Edinburgh, ſent out his forces in three diviſions, to provide themſelves in forage and ſubſiſtance from the neighbourhood. One party was ſuddenly attacked by the regent and ſir Simon Fraſer; and being unprepared, were immediately routed and purſued with great ſlaughter. The few that eſcaped, flying to the ſecond diviſion, gave warning of the approach of the enemy: The ſoldiers ran to their colours: And were immediately led out to take revenge for the death of their countrymen. The Scots, elated with the advantage already obtained, made a vigorous impreſſion upon them: The Engliſh, animated with a thirſt of vengeance, maintained a ſtout reſiſtance: The victory was long undecided between them; but at laſt declared itſelf intirely in favour of the former, who broke

Scotland again revolts.

1303. 24th Feb.

CHAP. XIII. 1303.

the Engliſh, and chaced them to the third diviſion, now advancing with a haſty march to ſupport their diſtreſſed companions. Many of the Scots had fallen in the two firſt actions; moſt of them were wounded; and all of them extremely fatigued by the long continuance of the combat: Yet were they ſo tranſported with ſucceſs and military rage, that, having ſuddenly recovered their order, and arming the followers of their camp with the ſpoils of the ſlaughtered enemy, they drove with fury upon the ranks of the diſmayed Engliſh. The favourable moment decided the battle; which the Scots, had they met with a ſteady reſiſtance, were not long able to maintain: The Engliſh were chaced off the field: Three victories were thus gained in one day[s]: And the renown of theſe great exploits, ſeconded by the favourable diſpoſitions of the people, ſoon made the regent maſter of all the fortreſſes in the ſouth; and it became neceſſary for Edward to begin anew the conqueſt of the kingdom.

THE King prepared himſelf for this enterprize with his uſual vigour and ability. He aſſembled both a great fleet and a great army; and entering the frontiers of Scotland, appeared with a force, which the enemy could not think of reſiſting in the open field: The Engliſh navy which ſailed along the coaſt, ſecured the army from any danger of famine: Edward's vigilance preſerved them from ſurprizes: And by this prudent diſpoſition they marched victoriouſly from one extremity of the kingdom to the other, ravaging the open country, taking in all the caſtles[t], and receiving the ſubmiſſions of all the nobility, even thoſe of Cummin the regent. The moſt obſtinate reſiſtance

[s] Heming. vol. i. p. 197. [t] Ibid. p. 205.

was

was made by the caſtle of Brechin, defended by ſir Thomas Maule; and the place opened not its gates, till the death of the governor, by diſcouraging the garriſon, obliged them to ſubmit to the fate, which had overwhelmed the reſt of the kingdom. Wallace, tho' he attended the Engliſh army in their march, found but few opportunities of ſignalizing that valour, which had formerly made him ſo terrible to his enemies.

CHAP. XIII.

1303. Is again ſubdued.

EDWARD, having compleated his conqueſt, which employed him during the ſpace of near two years, now undertook the more difficult work, of ſettling the country, of eſtabliſhing a new form of government, and of making his acquiſition durable to the crown of England. He ſeems to have carried matters to extremity againſt the natives: He abrogated all the Scottiſh laws and cuſtoms[u]: He endeavoured to ſubſtitute the Engliſh in their place: He entirely razed or deſtroyed all the monuments of antiquity: Such records or hiſtories as had eſcaped his former ſearch were now burnt or diſperſed: And he haſtened, by too precipitate ſteps, to aboliſh entirely the Scottiſh name, and to ſink it finally in the Engliſh.

1304.

EDWARD, however, ſtill deemed his favourite conqueſt expoſed to ſome danger, ſo long as Wallace was alive; and being prompted both by revenge and policy, he employed every art to diſcover his retreat, and become maſter of his perſon. At laſt, that hardy warrior, who was determined, amidſt the univerſal ſlavery of his country-men, ſtill to maintain his independance, was betrayed into Edward's hands by ſir John Monteith, his friend, whom he had made acquainted with the place of

1305.

[u] Ryley, p. 506.

his

CHAP. XIII. 1305.

his concealment. The King, whoſe natural bravery and enterprize ſhould have induced him to reſpect like qualities in an enemy, enraged at ſome violences committed by Wallace during the fury of war[u], reſolved to overawe the Scots by an example of ſeverity; and he ordered Wallace to be carried up in chains to London; to be tried as a rebel and traitor, tho' he never had made ſubmiſſions nor ſworn fealty to England; and to be executed on Tower-hill[w]. This was the unworthy fate of a hero, who, thro' a courſe of many years, had, with ſignal conduct, intrepidity and perſeverance, defended againſt a public and oppreſſive enemy, the liberties of his native country.

23 Auguſt.

BUT the barbarous policy of Edward failed of the purpoſe, to which it was directed. The Scots, already diſguſted with the great innovations introduced by the ſword of a conqueror into their laws and government, were farther enraged at the injuſtice and cruelty exerciſed upon Wallace; and all the envy, which, during his life-time, had attended that gallant chieftain, being now buried in his grave, he was univerſally regarded as the champion of Scotland, and the patron of her expiring independance. The people, inflamed with reſentment, were every where diſpoſed to riſe againſt the Engliſh government; and it was not long ere a new and more fortunate leader preſented himſelf, who conducted them to liberty, to victory, and to vengeance.

1306. Robert Bruce.

ROBERT BRUCE, the ſon[x] of that Robert, who had been one of the competitors for the crown, had ſucceeded, by his father's

[u] Walſing. p. 84. Heming. vol. i. p. 120.

[w] Walſing. p. 90. Trivet, p. 340. Murinmuth, p. 36.

[x] Hemingford, vol. i. p. 218. calls him the grandſon of Robert; and is very particular

CHAP. XIII. 1306.

father's death, to all his pretenſions; and the death of John Baliol, which happened nearly about the ſame time in France, together with the captivity of Edward, the eldeſt ſon of that prince, ſeemed to open a full career to the genius and ambition of this young nobleman. He ſaw, that the Scots, when the right to their crown had expired in the males of their antient royal family, had been divided into parties nearly equal between the houſes of Bruce and Baliol; and that every incident, which had ſince happened, had tended to wean them from any attachment to the latter. The ſlender capacity of John had proved unable to defend them againſt their enemies: He had meanly reſigned his crown into the hands of the conqueror: He had, before his delivery from captivity, re-iterated that reſignation in a manner ſeemingly voluntary; and had in that act thrown out many reflections extremely diſhonourable to his antient ſubjects, whom he publickly called traitors, ruffians, and rebels, and with whom, he declared, he was determined to maintain no farther correſpondence[y]: He had, during the time of his exile, adhered ſtrictly to that reſolution; and his ſon, being a priſoner, ſeemed ill qualified to revive the rights, now fully abandoned, of his family. Bruce therefore hoped, that the Scots, ſo long expoſed, from the want of a leader, to the oppreſſions of their enemies, would unanimouſly fly to his ſtandard, and would ſeat him on the vacant throne, to which he brought ſuch plauſible pretenſions. His aſpiring ſpirit, inflamed by the fervor of youth, and buoyed up by his natural courage, ſaw the glory alone of the enterprize, or regarded the prodigious difficulties, which attended it, as the ſource only of farther glory. The

lar in the account of the times in which his father and grandfather died. Hemingford is one of the beſt hiſtorians of that age.

[y] Brady's hiſt. vol. ii. App. N°. 27.

miſeries

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miſeries and oppreſſions, which he had beheld his countrymen ſuffer in their unequal conteſt; the repeated defeats and misfortunes, which they had undergone, proved to him ſo many incentives to bring them relief, and conduct them to revenge againſt the haughty victors. The circumſtances, which attended Bruce's firſt declaration, are variouſly related; but we ſhall rather follow the account given by the Scots hiſtorians; not that their authority is in general any wiſe to be compared to that of the Engliſh; but becauſe they may be ſuppoſed ſometimes better informed concerning facts, which ſo nearly intereſted their own nation.

BRUCE, who had long harboured in his breaſt the deſign of freeing his enſlaved country, ventured at laſt to open his mind to John Cummin, a powerful nobleman, with whom he lived in ſtrict intimacy. He found in his friend all the appearance of his own ſentiments; and needed to employ no arts of perſuaſion to make him embrace the reſolution of throwing off, on the firſt favourable opportunity, the uſurped dominion of the Engliſh. But on the departure of Bruce, who attended Edward to London, Cummin, who either had diſſembled all along with him, or began to reflect more coolly in his abſence on the deſperate nature of the undertaking, reſolved to atone for his crime of aſſenting to this rebellion, by the merit of revealing the ſecret to the King of England. Edward did not immediately commit Bruce to cuſtody; becauſe he propoſed, at the ſame time, to ſeize his three brothers, who reſided in Scotland; and he contented himſelf with ſecretly ſetting ſpies upon him, and ordering all his motions to be ſtrictly guarded. A nobleman of Edward's court, Bruce's intimate friend, was apprized of his danger; but not daring, amidſt ſo many watchful eyes, to hold

hold any converſation with him, he fell on an expedient to give him warning, that it was full time he ſhould make his eſcape. He ſent him by a ſervant, a pair of gilt ſpurs and a purſe of gold, which he pretended to have borrowed from him; and left it to the ſagacity of his friend to diſcover the meaning of the preſent. Bruce immediately contrived the means of his eſcape; and as the ground was at that time covered with ſnow, he had the precaution, it is ſaid, to order his horſes to be ſhod with their ſhoes turned backwards, that he might deceive thoſe, who ſhould track his path over the open fields or croſs roads, thro' which he purpoſed to travel. He arrived in a few days at Dumfries in Annandale the chief ſeat of his family intereſt; and he happily found a great number of the Scottiſh nobility there aſſembled, and among the reſt, John Cummin, his former aſſociate. CHAP. XIII. 1306.

THE noblemen were aſtoniſhed at the appearance of Bruce in their company; and ſtill more when he diſcovered to them the object of his journey. He told them, that he was come to live or die with them in defence of the liberties of his country, and hoped, with their aſſiſtance, to redeem the Scottiſh name from all the indignities, which it had ſo long ſuffered from the tyranny of their imperious maſters: That the ſacrifice of the rights of his family was the firſt injury which had prepared the way for their enſuing ſlavery; and by reſuming them, which was his firm purpoſe, he opened to them the joyful proſpect of recovering from the fraudulent uſurper their antient and hereditary independance: That all their paſt misfortunes had proceeded from their diſunion; and they would ſoon appear no leſs formidable than of old to their enemies, if they now deigned to follow into the field their rightful prince, who knew 10th Feb.

CHAP. XIII. 1306.

no medium between death and victory: That their mountains and their valour, which had, during ſo many ages, protected their liberty from all the efforts of the Roman empire, would ſtill be ſufficient, were they worthy of their generous anceſtors, to defend them againſt the utmoſt violence of the Engliſh tyrant: That it was unbecoming men, born to the moſt antient independance, known in Europe, to ſubmit to the will of any maſters; but fatal to receive thoſe, who, being irritated by ſuch perſevering oppoſition, and enflamed with the higheſt animoſity, would never deem themſelves ſecure of their uſurped dominion but by exterminating all the antient nobility, and even all the antient inhabitants: And that, being reduced to this deſperate extremity, it were better for them at once to periſh, like brave men, with their ſwords in their hands, than to dread long, and at laſt undergo, the fate of the unfortunate Wallace, whoſe merits, in the brave and obſtinate defence of his country, were finally rewarded by the hands of an Engliſh executioner.

THE ſpirit with which this diſcourſe was delivered, the bold ſentiments which it conveyed, the novelty of Bruce's declaration, aſſiſted by the graces of his youth and manly deportment, made deep impreſſion on the minds of his audience, and rouzed all thoſe principles of indignation and revenge, with which they had long been ſecretly actuated. The Scottiſh nobles declared their unanimous reſolution to uſe the utmoſt efforts in delivering their country from bondage, and to ſecond the courage of Bruce, in aſſerting his and their undoubted rights, againſt their common oppreſſors. Cummin alone, who had ſecretly taken his meaſures with the King, oppoſed this general determination; and by repreſenting the great power of England,

land, governed by a prince of ſuch uncommon vigour and abilities, he endeavoured to ſet before them the certain deſtruction, which they muſt apprehend, if they again violated their oaths of fealty, and ſhook off their allegiance to the victorious Edward[z]. Bruce, already apprized of his treachery, and foreſeeing the certain failure of all his own ſchemes of ambition and glory from the oppoſition of ſo potent a leader, took immediately his reſolution; and moved partly by reſentment, partly by policy, followed Cummin on the diſſolution of the aſſembly, attacked him in the cloyſters of the Grey Friars thro' which he paſſed, and running him thro' the body, left him for dead. Sir Thomas Kirkpatric, one of Bruce's friends, aſking him ſoon after, if the traitor was ſlain; *I believe ſo*, replied Bruce. *And is that a matter*, cried Kirkpatric, *to be left to conjecture? I will ſecure him.* Upon which he drew his dagger, ran to Cummin, and ſtabbed him to the heart. This deed of Bruce and his aſſociates, which contains circumſtances, juſtly condemned by our preſent manners, was regarded in that age as an effort of manly vigour and juſt policy. The family of Kirkpatric took for the creſt of their arms, which they ſtill wear, a hand with a bloody dagger: And choſe for their motto theſe words, *I will ſecure him*; the expreſſion employed by their anceſtor, when he executed that violent action.

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THE murder of Cummin affixed the ſeal to the conſpiracy of the Scottiſh nobles: They had now no reſource left but to ſhake off the yoke of England, or to periſh in the attempt: The genius of the nation rouzed itſelf from its preſent dejection:

Third revolt of Scotland.

[z] M. Weſt. p. 453.

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1306. And Bruce, flying to different quarters, excited his partizans to arms, attacked with ſucceſs the diſperſed bodies of the Engliſh, got poſſeſſion of many of the caſtles, and having made his authority be acknowledged in moſt parts of the kingdom, was ſolemnly crowned and inaugurated in the abbey of Scone by the biſhop of St. Andrews, who had zealouſly embraced his cauſe. The Engliſh were again chaced out of the kingdom, except ſuch as took ſhelter in the ſtrong fortreſſes that remained in their hands; and Edward found, that the Scots, twice conquered in his reign, and often defeated, muſt yet be anew ſubdued. Not diſcouraged with theſe unexpected difficulties, he ſent Aymer de Valence with a conſiderable force into Scotland to check the progreſs of the inſurgents; and that general, falling unexpectedly upon Bruce at Mathven in Perthſhire, threw his army into ſuch diſorder, as ended in a total defeat [a]. Bruce fought with the moſt heroic courage, was thrice diſmounted from his horſe in the action, and as often recovered himſelf; but was at laſt obliged to yield to ſuperior fortune, and take ſhelter with a few followers in the weſtern iſles. The earl of Athole, ſir Simon Fraſer, and ſir Chriſtopher Seton, who had been taken priſoners, were ordered by Edward to be executed as

1307. rebels and traitors [b]. Many other acts of rigour were exerciſed by him; and that prince, vowing revenge againſt the whole Scottiſh nation, whom he deemed incorrigible in their averſion to his government, aſſembled a great army, and was preparing to enter the frontiers, ſecure of ſucceſs, and determined to make the defenceleſs Scots the victims of his ſeverity: When he unexpectedly ſickened and died near Carliſle; enjoining with his laſt breath his ſon and ſucceſſor to proſecute the enterprize, and

Death, 7th July.

[a] Walſing. p. 91. Heming. vol. i. p. 222, 223. Trivet, p. 344.
[b] Heming. vol. i. p. 223. M. Weſt. p. 456.

never

never to desist till he had finally subdued the kingdom of Scotland. He expired in the sixty-ninth year of his age, and the thirty-fifth of his reign, hated by his neighbours, but extremely respected and revered by his own subjects.

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and character of the King.

THE enterprizes finished by this prince, and the projects which he formed and brought very near to a conclusion, were more prudent, more regularly conducted, and more advantageous to the solid interests of his kingdom than those which were undertaken in any reign either of his ancestors or his successors. He restored authority to the government, disordered by the weakness of his father; he maintained the laws against all the efforts of his turbulent barons; he fully annexed to his crown the principality of Wales; he took the wisest and most effectual measures for reducing Scotland to a like condition; and tho' the equity of this latter enterprize may reasonably be questioned, the circumstances of the two kingdoms promised such certain success, and the advantage was so visible of uniting the whole island under one head, that those who give great indulgence to reasons of state in the measures of princes, will not be apt to regard this part of his conduct with much severity. But Edward, however exceptionable his character may appear on the head of justice, is the model of a politic and warlike King: He possessed industry, penetration, courage, vigour, and enterprize: He was frugal in all expences that were not necessary; he knew how to open the public treasures on a proper occasion; he punished criminals with severity; he was gracious and affable to his servants and courtiers; and being of a majestic figure, expert at all bodily exercises, and in the main well proportioned in his limbs, notwithstanding the great length and the smallness of his legs, he was as well qualified to captivate

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tivate the populace by his exterior appearance, as to gain the approbation of men of ſenſe by his more ſolid virtues.

Miſcellaneous tranſactions of this reign.

But the chief advantage, which the people of England reaped, and ſtill continue to reap, from the reign of this great prince, was the correction, extenſion, amendment, and eſtabliſhment of the laws, which Edward maintained in great vigour, and left much improved to poſterity: For the work of wiſe legiſlators commonly remain; while the acquiſitions of conquerors often periſh with them. This merit has juſtly gained to Edward the appellation of the Engliſh Juſtinian. Not only the numerous ſtatutes, paſſed in his reign, touch the chief points of juriſprudence, and, according to ſir Edward Coke[c], truly deſerve the name of eſtabliſhments, becauſe they were more conſtant, ſtanding, and durable laws than any made ſince; but the regular order of his adminiſtration gave an opportunity to the common law to refine itſelf, and brought the judges to a certainty in their determinations, and the lawyers to a preciſion in their pleadings. Sir Mathew Hale has remarked the ſudden improvement of Engliſh law during this reign; and ventures to aſſert, that, till his own time, it had never received any conſiderable encreaſe[d]. Edward ſettled the juriſdiction of the ſeveral courts; firſt eſtabliſhed the office of juſtice of peace; abſtained from the practice too common before him, of interrupting juſtice by mandates from the privy council[e]; repreſſed

[c] Inſtitute, p. 156.

[d] Hiſtory of the Engliſh law, p. 158, 163.

[e] Articuli ſuper Cart. cap. 6. Edward enacted a law to this purpoſe; but it is very doubtful, whether he ever obſerved it. We are ſure that ſcarce any of his ſucceſſors did. The multitude of theſe letters of protection were a ground of complaint by the commons in 3 Edw. II. See Ryley, p. 525. This practice is declared illegal by the ſtatue of Northampton paſſed in the ſecond of Edward III. but ſtill continued, like many other abuſes. There are inſtances of it ſo late as the reign of Queen Elizabeth.

robberies

robberies and diſorders[f]; encouraged trade by giving merchants an eaſy way of recovering their debts[g]; and in ſhort, introduced a new face of things by the vigour and wiſdom of his government. As law began now to be well eſtabliſhed, the abuſe of that happineſs began alſo to be remarked. Inſtead of their former aſſociations for robbery and violence, men entered into formal combinations to ſupport each other in law-ſuits; and and it was found requiſite to check this grievance by act of parliament[h].

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THERE happened in this reign a conſiderable alteration in the execution of the laws: The King aboliſhed the office of chief juſticiary, which he thought poſſeſſed too much power, and was dangerous to the crown[i]: He compleated the diviſion of the court of exchequer into four diſtinct courts, which managed, each, its ſeveral branch, without dependance on any one magiſtrate; and as the lawyers invented a method, by means of their fictions, to carry buſineſs from one court to another, the ſeveral courts became rivals and checks to each other; a circumſtance which tended much to improve the practice of the law in England.

BUT tho' Edward appeared thus, thro' his whole reign, a friend to law and juſtice, it cannot be ſaid, that he was an enemy to arbitrary power; and in a government more regular and legal than was that of England in his age, ſuch practices as thoſe which may be remarked in his adminiſtration, would have given ſufficient ground of complaint, and ſometimes were

[f] Statute of Winton. [g] Statute of Acton Burnel. [h] Statute of conſpirators. [i] Spelman. Gloſſ. in verbo *juſticiarius*. Gilbert's Hiſt. of the Exchequer, p. 8.

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even in his age the object of general diſpleaſure. The violent plunder and baniſhment of the Jews; the putting the whole clergy, at once, out of the protection of law; the ſeizing all the wool and leather of the kingdom; the heightening the impoſitions on the former valuable commodity; the new and illegal commiſſion of Trailbaſton; the taking all the money and plate of monaſteries and churches, even before he had any quarrel with the clergy; the ſubjecting every man poſſeſſed of twenty pounds a year to military ſervice, tho' not bound to it by his tenure; his viſible reluctance to confirm the great charter, as if that conceſſion had no validity from the deeds of his predeceſſors; the captious clauſe which he at laſt annexed to his confirmation; his procuring, after all, the Pope's diſpenſation from the oaths which he had taken to obſerve that charter; and his levying of arbitrary talliages even after the ſtatute, or rather charter, by which he had renounced that prerogative; theſe are ſo many demonſtrations of his arbitrary diſpoſition, and prove with what exception and reſerve we ought to celebrate his love of juſtice. He took care that his ſubjects ſhould do juſtice to one another; but he deſired always to have his own hands free in all his tranſactions, both with them and with his neighbours.

THE chief obſtruction to the execution of juſtice in thoſe times was the power of the great barons; and Edward was perfectly qualified, by his character and abilities, to keep theſe tyrants in awe, and to reſtrain their illegal practices. This ſalutary purpoſe was accordingly the great object of his attention; yet he was imprudently led into a meaſure which tended very much to encreaſe and confirm their exorbitant authority. He paſſed a ſtatute, which, by allowing them to entail their

‡ eſtates,

estates, made it impracticable to diminish the property of the great families, and left them all means of encrease and acquisition[k].

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EDWARD observed a contrary policy with regard to the church: He seems to have been the first christian prince who passed a statute of mortmain; and prevented by law the clergy from making new acquisitions of lands, which by the ecclesiastical canons they were for ever prohibited to alienate. The opposition between his maxims with regard to the nobility and ecclesiastics, leads us to conjecture, that it was only by chance he passed the beneficial statute of mortmain, and that his sole object was, to maintain the number of knights fees, and to prevent the superiors from being defrauded of the profits of wardship, marriage, livery, and other emoluments arising from the feudal tenures. This is indeed the reason assigned in the statute itself, and appears to have been his real object in enacting it. The author of the annals of Waverly ascribes this act chiefly to the King's anxiety for maintaining the military force of the kingdom; but adds that he was mistaken in his purpose; for that the Amalekites were overcome more by the prayers of Moses than by the sword of the Israelites[l].

EDWARD was very active in restraining the usurpations of the church, and excepting his ardour for Crusades, which adhered to him during his whole life, seems, in other respects, to have been little infected with superstition, the vice chiefly of weak minds. But the passion for Crusades was really in that age the passion for glory. As the Pope now felt himself some-

[k] Brady of boroughs, p. 25. from the records.
[l] P. 234. So also M. West, p. 409.

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what more reſtrained in his former practice of pillaging the national churches by the general impoſitions upon them, he permitted the generals of particular orders, who reſided at Rome, to levy taxes on the ſeveral convents ſubjected to their juriſdiction; and Edward was obliged to enact a law againſt this new abuſe. It was alſo become a practice of the court of Rome to provide ſucceſſors to benefices before they became vacant: Edward found it likewiſe neceſſary to reſtrain by law this ſource of injuſtice and impoſition.

THE tribute of 1000 marks a year, to which King John, in doing homage to the Pope, had ſubjected the kingdom, had been pretty regularly paid ſince his time, tho' the vaſſalage was conſtantly denied, and indeed, for fear of giving offence, had been but little inſiſted on. The payment was called by a new name of *cenſus*, not by that of tribute. King Edward ſeems to have always paid this money with great reluctance, and he ſuffered the arrears, at one time, to run on for ſix years[m], at another for eleven[n]: But as princes in that age ſtood continually in need of the Pope's good offices, for diſpenſations of marriages and other conceſſions, the court of Rome found always means, ſooner or later, to catch the money. The levying of firſt fruits was alſo a new device, begun in this reign, by which his holineſs thruſt his fingers very frequently into the purſes of the faithful; and the King ſeems unwarily to have given way to it.

EDWARD had by his firſt wife, Eleanor of Caſtile, four ſons, but Edward his heir and ſucceſſor, was the only one that ſur-

[m] Rymer, vol. ii. p. 77, 107. [n] Id. p. 862.

† vived

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vived him. She alſo bore him eleven daughters, moſt of whom died in their infancy: Joan was married firſt to the earl of Gloceſter, and after his death, to Ralph de Monthermer: Margaret eſpouſed John duke of Brabant: Elizabeth eſpouſed firſt John earl of Holland; and afterwards the earl of Hereford: Mary was a nun at Ambreſbury. He had by his ſecond wife, Margaret of France, two ſons and a daughter; Thomas created earl of Norfolk, and Mareſchal of England; and Edmond who was created earl of Kent by his brother when King. The princeſs died in her infancy.

In the former reign the taxes had been partly ſcutages, partly a proportional part of the moveables, granted by parliament: In this, ſcutages were entirely dropt; and the aſſeſſment on moveables was the chief method of taxation. Edward in his fourth year had a fifteenth granted him; in his fifth year a twelfth; in his eleventh year a thirtieth from the laity, a twentieth from the clergy; in his eighteenth year a fifteenth; in his twenty-ſecond year a tenth from the laity, a ſixth from London and other corporate towns, half of their benefices from the clergy; in his twenty-third year an eleventh from the barons and others, a tenth from the clergy, a ſeventh from the burgeſſes; in his twenty-fourth year a twelfth from the barons and others, an eighth from the burgeſſes, from the clergy, nothing, becauſe of the Pope's inhibition; in his twenty-fifth year an eighth from the laity, a tenth from the clergy of Canterbury, a fifth from thoſe of York; in his twenty-ninth year a fifteenth from the laity, on account of his confirming the perambulation of the foreſts; the clergy granted nothing; in his thirty-third year, firſt a thirtieth from the barons and others, and a twentieth from the burgeſſes, then a fifteenth

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from all his ſubjects; in his thirty-fourth year a thirtieth from all his ſubjects for knighting his eldeſt ſon.

THESE taxes were moderate; but the King had alſo duties upon exportation and importation granted him from time to time: The heavieſt was commonly upon wool. Poundage, or a ſhilling a pound, was not regularly granted the Kings for life till the reign of Henry V.

IN 1296, the famous mercantile ſociety, called the *Merchant Adventurers*, had its firſt origin: It was inſtituted for the improvement of the woolen manufacture, and the vending of the cloaths abroad, particularly to Antwerp [o]. For the Engliſh at this time ſcarce thought of any more diſtant commerce.

THIS King granted a charter or declaration of protection and privileges to foreign merchants, and alſo aſcertained the cuſtoms or duties which theſe merchants were in return to pay on merchandize imported and exported. He promiſed them protection; allowed them a jury on trials conſiſting half of natives, half of foreigners; and appointed them a juſticiary in London for their protection. He impoſed on them a duty of two ſhillings on each tun of wine imported, over and above the old duty; and forty pence on each ſack of wool exported, beſides half a mark, the old duty [p]. But notwithſtanding this ſeeming attention to foreign merchants, Edward did not free them from the cruel hardſhip, of making one anſwerable for the debts, and even for the crimes of another, that came from the ſame

[o] Anderſon's hiſtory of commerce, vol. i. p. 137.

[p] Rymer, vol. iv. p. 361. It is the charter of Edw. I. which is there confirmed by Edw. III.

country.

country [q]. We read of ſuch practices among the preſent barbarous nations. CHAP. XIII. 1307.

In the year 1303, the Exchequer was robbed, and of no leſs a ſum, than 100,000 pounds, as is pretended [r]. The abbot and monks of Weſtminſter were indicted for this robbery, but acquitted. It does not appear, that the King ever diſcovered the criminals with certainty; tho' his indignation fell on the ſociety of Lombard merchants, particularly the Freſcobaldi, very opulent Florentines.

The pope having in 1307 collected much money, the King enjoined the nuncio not to export it in ſpecie but in bills of exchange [s]. A certain proof that commerce was ill underſtood.

[q] Anderſon's hiſt. of commerce, vol. i. p. 146.
[r] Rymer, vol. ii. p. 930.
[s] Rymer, vol. ii. p. 1092.

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EDWARD II.

Weakneſs of the King——His paſſion for favourites——Piers Gaveſton——Diſcontent of the barons——Murder of Gaveſton——War with Scotland——Battle of Bannockburn——Hugh le Deſpenſer——Civil commotions——Execution of the earl of Lancaſter——Conſpiracy againſt the King——Inſurrection——The King dethroned——Murdered——His Character——Miſcellaneous tranſactions in this reign.

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THE prepoſſeſſions, entertained in favour of young Edward, kept the Engliſh from being fully ſenſible of the extreme loſs, which they had ſuſtained by the death of the great monarch, who filled the throne; and all men haſtened with alacrity to take the oath of allegiance to his ſon and ſucceſſor. This prince was in the twenty-third year of his age, was of an agreeable figure, of a mild and gentle diſpoſition, and having never diſcovered a propenſity to any dangerous vice, it was natural to prognoſticate tranquillity and happineſs from his government. But the firſt act of his reign blaſted all theſe hopes, and ſhewed him to be totally unqualified for that perilous ſituation, in which every Engliſh monarch during thoſe ages, had, from the unſtable form of the conſtitution, and the turbulent diſpoſitions of the people, derived from it, the misfortune to be placed. The indefatigable Robert Bruce, tho' his army had been diſſipated and he himſelf had been obliged to take

Weakneſs of the King.

take ſhelter in the weſtern iſles, remained not long in tranquillity; but before the death of the late King, had ſallied from his retreat, had again collected his followers, had appeared in the field, and had obtained by ſurprize an important advantage over Aymer de Valence, who commanded the Engliſh forces[a]. He was now become ſo conſiderable as to have afforded the King of England ſufficient glory in ſubduing him, without incurring any danger of his ſeeing all thoſe mighty preparations, made by his father, fail in the enterprize. But Edward, inſtead of purſuing his advantages, marched but a little way into Scotland; and having an utter incapacity, and equal averſion for all application or ſerious buſineſs, he immediately returned upon his footſteps, and diſperſed his army. His grandees perceived from this conduct, that the authority of the crown, fallen into ſuch feeble hands, was no longer to be dreaded, and that every inſolence might be practiſed by them with impunity.

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His paſſion for favourites.

Piers Gavaſton.

THE next meaſure, taken by Edward, gave them an inclination to attack thoſe prerogatives, which no longer kept them in awe. There was one Piers Gavaſton, the ſon of a Gaſcon knight of ſome diſtinction, who had honourably ſerved the late King, and who, in reward of his merits, had obtained an eſtabliſhment for his ſon in the family of the prince of Wales. This young man ſoon inſinuated himſelf into the affections of his maſter, by his agreeable behaviour, and by ſupplying him with all thoſe innocent, tho' frivolous amuſements, which ſuited his capacity and his inclinations. He was endowed with the utmoſt elegance of ſhape and perſon, was noted for a fine mien and eaſy carriage, diſtinguiſhed himſelf in all warlike and genteel exerciſes, and was celebrated for thoſe quick ſallies of wit,

[a] Trivet, p. 346.

in

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in which his countrymen uſually excel. By all theſe accompliſhments he gained ſo entire an aſcendant over young Edward, whoſe heart was ſtrongly diſpoſed to friendſhip and confidence, that the late King, apprehenſive of the conſequences, had baniſhed him the kingdom, and had, before he died, made his ſon promiſe never to recall him [b]. But he no ſooner found himſelf maſter, as he vainly imagined, than he ſent for Gavaſton; and even before his arrival at court, endowed him with the whole earldom of Cornwal, which had eſcheated to the crown, by the death of Edmond, ſon of Richard King of the Romans [c]. Not content with conferring on him thoſe poſſeſſions, which had ſufficed as an appanage for a prince of the blood, he daily loaded him with new honours and riches; married him to his own niece, ſiſter of the earl of Gloceſter [d]; and ſeemed to enjoy no pleaſure in his royal dignity, but as it enabled him to exalt to the higheſt ſplendor this object of his fond affections.

Diſcontent of the barons.

THE haughty barons, offended at the ſuperiority of a minion, whoſe birth, tho' reputable, they deſpiſed, as much inferior to their own, concealed not their diſcontent; and ſoon found reaſons to juſtify their animoſity in the character and conduct of the man they hated. Inſtead of diſarming envy by the moderation and modeſty of his behaviour, Gavaſton diſplayed his power and influence with the utmoſt oſtentation; and deemed no circumſtance of his good fortune ſo agreeable as its enabling him to eclipſe and mortify all his rivals. He was vain-glorious, profuſe, rapacious; fond of exterior pomp and appear-

[b] Walſing. p. 95. Ypod. Neuſt. p. 499. Trivet, cont. p. 2.

[c] Rymer, vol. iii. p. 1. Heming. vol. i. p. 243. Walſing. p. 96. Ypod. Neuſt. p. 499. Trivet, cont. p. 2.

[d] Heming. vol. i. p. 245. Ypod. Neuſt. p. 500. T. de la More, p. 593.

ance, giddy with proſperity; and as he imagined, that his fortune was now as ſtrongly rooted in the kingdom, as his aſcendant was uncontrouled over the weak monarch, he took no farther care of engaging partizans, who might ſupport his ſudden and ill eſtabliſhed grandeur. At all tournaments, he took delight in foiling the Engliſh nobility, by his ſuperior addreſs: In each converſation, he made them the object of his wit and raillery: Every day his enemies multiplied upon him; and nought was wanting but a little time to cement their union, and render it fatal, both to him and to his maſter [e].

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It behoved the King to take a journey to France, both in order to do homage for the dutchy of Guienne, and to eſpouſe the princeſs Iſabella, to whom he had long been contracted, tho' unexpected accidents had hitherto retarded the completion of the marriage [f]. Edward left Gavaſton guardian of the realm [g], with more ample powers, than had uſually been conferred [h]; and on his return with his young queen, renewed all the proofs of that fond attachment to his favourite, of which every one ſo loudly complained. This princeſs was of an imperious and intriguing ſpirit; and finding, that her huſband's capacity required, as his temper inclined, him to be governed, ſhe thought herſelf beſt intitled, on every account, to perform the office, and ſhe contracted a mortal hatred againſt the perſon, who had diſappointed her in theſe expectations. She was well pleaſed, therefore, to ſee a combination of the nobility forming againſt Gavaſton, who, ſenſible of her hatred, had wantonly provoked her by new inſults and injuries.

[e] T. de la More, p. 593. Walſing. p. 97. Trivet, cont p. 3.
[f] T. de la More, p. 593.
[g] Rymer, vol. iii. p. 47. Ypod. Neuſt. p. 499.
[h] Brady's App. N°. 49.

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THOMAS, earl of Lancaſter, couſin-german to the King, and firſt prince of the blood, was by far the moſt opulent and powerful ſubject in England, and poſſeſſed in his own right, and ſoon after in that of his wife, heireſs of the family of Lincoln, no leſs than ſix earldoms, with a proportional eſtate in land, attended with all the juriſdictions and power, which commonly in that age were annexed to landed property. He was turbulent and factious in his diſpoſition; mortally hated the favourite, whoſe influence with the King exceeded his own; and he ſoon became the head of that party among the barons, who deſired the depreſſion of this inſolent ſtranger. The confederated nobles bound themſelves by oath, to expel Gavaſton: Both ſides began already to put themſelves in a warlike poſture: The licentiouſneſs of the age broke out in robberies and other diſorders, the uſual preludes of civil war: And the royal authority, deſpiſed in the King's own hands, and hated in thoſe of Gavaſton, became inſufficient for the execution of the laws, and the maintenance of peace in the kingdom. A parliament being ſummoned at Weſtminſter, Lancaſter and his party came thither with an armed retinue; and were there enabled to impoſe their own terms on the ſovereign. They required the baniſhment of Gavaſton, impoſed an oath on him never to return, and engaged the biſhops, who never failed to interpoſe in all civil concerns, to pronounce him excommunicate, if he remained any longer in the kingdom [h]. Edward was obliged to ſubmit [i]; but even in his compliance, gave proofs of his fond attachment to his favourite. Inſtead of removing all umbrage, by ſending him to his own country, as was expected, he appointed him lord lieutenant of Ireland [k], attended him to

[h] Trivet, cont. p. 5. [i] Rymer, vol. iii. p. 80.
[k] Rymer, vol. iii. p. 92. Murimuth, p. 39.

Briſtol

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Briſtol on his journey thither, and before his departure conferred on him new lands and riches both in Gaſcony and England [l]. Gavaſton, who did not want bravery, and poſſeſſed talents for war [m], acted, during his government, with vigour againſt ſome Iriſh rebels, whom he ſubdued.

MEANWHILE, the King, leſs ſhocked with the illegal violence which had been impoſed upon him, than unhappy in the abſence of his minion, employed every expedient to ſoften the oppoſition of the barons to his return; as if ſucceſs in that point were the chief object of his government. The high office of hereditary ſteward was conferred on Lancaſter: His father-in-law, the earl of Lincoln, was bought off by other conceſſions: Earl Warrenne was alſo mollified by civilities, grants or promiſes: The inſolence of Gavaſton, being no longer before men's eyes, was leſs the object of general indignation: And Edward, deeming matters ſufficiently prepared for his purpoſe, applied to the court of Rome, and obtained a diſpenſation from that oath, which the barons had compelled Gavaſton to take, that he would abjure for ever the realm [n]. He went down to Cheſter, to receive him on his firſt landing from Ireland; flew into his arms with tranſports of joy; and having obtained the formal conſent of the barons in parliament to his re-eſtabliſhment, ſet no longer any bounds to his extravagant fondneſs and affection. Gavaſton himſelf, forgetting his paſt misfortunes, and blind to their cauſes, reſumed the ſame oſtentation and inſolence; and became more than ever the object of general deteſtation among the nobility.

[l] Rymer, vol. iii. p. 87.
[m] Heming. vol. i. p. 248. T. de la More, p. 593.
[n] Rymer, vol. iii. p. 167.

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THE barons firſt diſcovered their animoſity by abſenting themſelves from parliament; and finding, that this expedient had not been ſucceſsful, they began to think of employing ſharper and more effectual remedies. Tho' there had ſcarce been any national ground of complaint, except ſome diſſipation of the public treaſure: Tho' all the acts of mal-adminiſtration, objected to the King, and his favourite, ſeemed of a nature more proper to excite heart-burnings in a ball or aſſembly, than commotions in a great kingdom: Yet ſuch was the ſituation of the times, that the barons were determined, and were able, to make them the reaſons of a total alteration in the conſtitution and civil government. Having come to parliament, in defiance of the laws and the King's prohibition, with a numerous retinue of armed followers, they found themſelves entirely maſters; and preſented a petition, which was equivalent to a command, requiring Edward to devolve on a choſen junto the whole authority both of the crown and of the parliament. The King was obliged to ſign a commiſſion, empowering the prelates and barons to elect twelve perſons, who ſhould, till the term of Michaelmas in the year following, have authority to enact ordinances for the government of the kingdom, and the regulation of the King's houſhold; conſenting that theſe ordinances ſhould thenceforth and for ever have the force of laws and ſtatutes; allowing the ordainers to form aſſociations among themſelves and their friends, for their ſtrict and regular obſervance; and all this for the greater glory of God, the ſecurity of the church, and the honour and advantage of the King and kingdom [a]. The barons in return ſigned a declaration, in which they acknowledged, that they owed theſe conceſſions merely to the King's free bounty; promiſed that this ſhould never be drawn into

7th Feb.

16th March.

[a] Brady's App. N°. 50. Heming. vol. i. p. 247. Walſing. p. 97. Ryley, p. 526.

precedent;

precedent; and engaged, that the power of the ordainers ſhould expire at the term appointed [r]. CHAP. XIV.

THE choſen junto of twelve accordingly framed their ordinances, and preſented them to the King and parliament, for their confirmation in the enſuing year. Some of theſe ordinances were laudable, and tended to the regular execution of juſtice: Such as thoſe, requiring ſheriffs to be men of property, aboliſhing the practice of iſſuing privy ſeals for the ſuſpenſion of juſtice, reſtraining the practice of purveyance, prohibiting the adulteration and alteration of the coin, excluding foreigners from the farms of the revenue, ordering all payments to be regularly made into the exchequer, revoking all late grants of the crown, and giving the parties damages in the caſe of vexatious proſecutions. But what chiefly grieved the King was the ordinance for the removal of evil counſellors, by which a great number of perſons were by name excluded from every office of power and profit; and Piers Gavaſton himſelf was for ever baniſhed the King's dominions, under the penalty, in caſe of diſobedience, of being declared a public enemy. Other perſons, more agreeable to the barons, were ſubſtituted in all the offices. And it was ordained, that, for the future, all the conſiderable dignities in the houſhold, as well as in the law, revenue, and military governments, ſhould be appointed by the *baronage* in parliament; and the power of making war, or aſſembling his military tenants, ſhould no longer be ſolely veſted in the King, nor be exerciſed without the conſent of the nobility. 1311.

EDWARD, from the ſame weakneſs both of his temper and ſituation, which had engaged him to grant this unlimited com-

[r] Brady's App. N°. 51.

miſſion

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miſſion to the barons, was led to give a parliamentary ſanction to their ordinances: But as a conſequence of the ſame character, he *ſecretly* made a proteſt againſt them, and declared, that, ſince the commiſſion was granted only for the making of ordinances to the advantage of King and kingdom, ſuch articles as ſhould be found prejudicial to both, were to be held as not ratified and confirmed [q]. It is no wonder, indeed, that he retained a firm purpoſe to revoke ordinances, which had been impoſed on him by violence, which entirely annihilated the royal authority, and above all, which deprived him of the company and ſociety of a perſon, whom, by an unuſual infatuation, he valued above all the world, and above every other conſideration of intereſt or tranquillity.

So ſoon, therefore, as Edward, removing to York, had freed himſelf from the immediate terror of the barons' power, he invited back Gaveſton from Flanders, which that favourite had made the place of his retreat; and declaring his baniſhment to be illegal, and contrary to the laws and cuſtoms of the kingdom [r], openly re-inſtated him in his former credit and authority.

1312. The barons, highly provoked at this diſappointment, and apprehenſive of danger to themſelves from the declared animoſity of ſo powerful a minion, ſaw, that either his or their ruin was now inevitable; and they renewed with redoubled zeal their former confederacies againſt him. The earl of Lancaſter was a dangerous head of this alliance: Guy, earl of Warwic, entered into it with a furious and precipitate paſſion: Humphrey Bohun, earl of Hereford, the conſtable, and Aymer de Valence, earl of Pembroke, brought to it a great acceſſion of power and intereſt: Even earl Warrenne deſerted the royal cauſe,

[q] Ryley's Placit. Parl. p. 530, 541. [r] Brady's App. N°. 53. Walſing. p. 98.

which

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which he had hitherto ſupported, and was induced to embrace the ſide of the confederates[s]: And as Robert de Winchelſey, archbiſhop of Canterbury, profeſſed himſelf of the ſame party, he determined the body of the clergy, and conſequently the people, to declare againſt the King and his minion. So predominant, at that time, was the power of the great nobility, that the combination of a few of them was always able to ſhake the throne; and ſuch an univerſal concurrence became irreſiſtible. The earl of Lancaſter ſuddenly raiſed an army, and marched to York, where he found the King already removed to Newcaſtle[t]: He flew thither in purſuit of him; and Edward had juſt time to eſcape to Tinmouth, where he embarked, and ſailed with Gaveſton to Scarborough. He left his favourite in that fortreſs, which, had it been properly ſupplied with proviſions, was deemed impregnable; and he marched forward to York, in hopes of raiſing an army, which might be able to ſupport him againſt his enemies. Pembroke was ſent by the confederates to beſiege the caſtle of Scarborough; and Gaveſton, ſenſible of the bad condition of his garriſon, was obliged to capitulate, and to ſurrender himſelf priſoner[u]. He ſtipulated, that he ſhould remain in Pembroke's hands for two months; that endeavours ſhould, during that time, be mutually uſed for a general accommodation; that if the terms propoſed by the barons were not accepted, the caſtle ſhould be reſtored to him in the ſame condition as when he ſurrendered it; and that the earl of Pembroke, and Henry Piercy ſhould, by contract, pledge all their lands for the fulfilling of theſe conditions[w]. Pembroke, now maſter of the perſon of this public enemy, conducted him to the caſtle of Dedington, near Banbury; where, on pretence of other

19th May.

[s] Trivet, cont. p. 4. [t] Walſing. p. 101. [u] Ibid.
[w] Rymer, vol. ii. p. 324.

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business, he left him, protected by a feeble guard [x]. Warwic, probably in concert with Pembroke, attacked the castle: The guards refused to make any resistance: Gavaston was yielded up to him, and conducted to Warwic castle: The earls of Lancaster, Hereford, and Arundel, immediately repaired thither [y]: And without any regard, either to the laws or the military capitulation, they ordered the head of this obnoxious favourite to be struck off, by the hands of the executioner [z].

Murder of Gavaston. 1st July.

The King had retired northward to Berwic, when he heard of Gavaston's murder; and his resentment was proportioned to the affection which he had ever borne him, while living. He threatened vengeance on all the nobility, who had been active in that bloody scene, and he made preparations for war in all parts of England. But being less constant in his enmities than in his friendships, he soon after hearkened to terms of accommodation; granted the barons a pardon for all offences; and as they stipulated to ask him publickly pardon on their knees [a], he was so pleased with these vain appearances of exterior submission, that he seemed to have sincerely forgiven them all past injuries. But as they still pretended, notwithstanding their lawless conduct, a great anxiety for the maintenance of law, and required the establishment of their former ordinances as a necessary security for that purpose; Edward told them, that he was willing to grant them a free and legal confirmation of such of these ordinances as were not entirely derogatory to the prerogative of the crown. This answer was received for the present as satisfactory. The King's person, after the death of Gava-

[x] T. de la More, p. 593.
[y] Dugd. Baron. vol. ii. p. 44.
[z] Walsing. p. 101. T. de la More, p. 593. Trivet, cont. p. 9.
[a] Ryley, p. 538. Rymer, vol. iii. p. 366.

ston,

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ſton, was now become leſs obnoxious to the public; and as the ordinances, inſiſted on, appeared to be nearly the ſame with thoſe, which had been formerly extorted from Henry III. by Mountfort, and which had been attended with ſo many fatal conſequences, they were, on that account, demanded with leſs vehemence by the nobility and people. The minds of all men ſeemed to be much appeaſed towards each other: The animoſities of faction no longer prevailed: And England, now united under its head, would henceforth be able, it was hoped, to take vengeance on all its enemies; particularly on the Scots, whoſe progreſs was the object of general reſentment and indignation.

War with Scotland.

IMMEDIATELY after Edward's retreat from Scotland, Robert Bruce left his faſtneſſes, in which he intended to have ſheltered his feeble force; and ſupplying his defect of power by ſuperior vigour and abilities, he made deep impreſſions on all his enemies, foreign and domeſtic. He chaſed the lord Argyle and the chieftain of the Macdowals from their hills, and made himſelf entirely maſter of the high country: He thence invaded with ſucceſs the Cummins in the low countries of the north: He took the caſtles of Inverneſs, Forfar, and Brechin: He gained daily ſome new acceſſion of territory; and what was a more important acquiſition, he daily reconciled the minds of the nobility to his dominion, and enliſted under his ſtandard every bold leader, whom he enriched by the ſpoils of his enemies. Sir James Douglas, in whom commenced the greatneſs and renown of that warlike family, ſeconded him in all his enterprizes: Edward Bruce, Robert's own brother, diſtinguiſhed himſelf by actions of valour: And the terror of the Engliſh power being now abated by the feeble conduct of the

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1312. King, even the leaſt ſanguine of the Scots began to entertain hopes of recovering their independency; and the whole kingdom, except a few ſtrong fortreſſes, which he had not the means to attack, had acknowledged the authority of Robert.

In this ſituation, Edward had found it neceſſary to grant a truce to Scotland; and Robert ſucceſsfully employed this interval in conſolidating his power, and introducing order into the civil government, disjointed by ſuch a long continuance of wars and factions. The interval was very ſhort: The truce, ill obſerved on both ſides, was at laſt openly violated; and war recommenced with greater fury than ever. Robert, not contented with defending himſelf, had made ſucceſsful inroads into England, ſubſiſted his needy followers by the plunder of that country, and taught them to deſpiſe the military genius of a people who had long been the object of their terror. Edward at laſt, rouzed from his lethargy, had conducted an army into Scotland; and Robert, determined not to riſque too much againſt an enemy ſo much ſuperior, retired again into his mountains. The King advanced beyond Edinburgh; but being deſtitute of proviſions, and being ill ſupported by the Engliſh nobility, who were then employed in framing their ordinances, he was ſoon obliged to retreat without gaining any advantage over the enemy. But the appearing union of all the parties in England, after the death of Gavaſton, ſeemed to reſtore that kingdom to its native force, opened again the proſpect of reducing Scotland, and promiſed a happy concluſion to a war, in which both the intereſts and paſſions of the nation were ſo deeply engaged.

1314. Edward aſſembled forces from all quarters, with a view of finiſhing at one blow this important enterprize. He ſummoned the

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the moſt warlike of his vaſſals from Gaſcony: He inliſted troops from Flanders and other foreign countries: He invited over great numbers of the diſorderly Iriſh as to a certain prey: He joined to them a body of the Welſh, who were actuated by like motives: And aſſembling the whole military force of England, he marched to the frontiers with an army, which, according to the Scots writers, amounted to an hundred thouſand men, but which was probably much inferior to that number[b].

THE army collected by Robert, exceeded not thirty thouſand combatants; but being compoſed of men, who had diſtinguiſhed themſelves by many acts of valour, who were rendered deſperate by their ſituation, and who were enured to all the varieties of fortune, they might juſtly, under ſuch a leader, be deemed formidable to the moſt numerous and beſt appointed armies. The caſtle of Stirling, which, with Berwic, was the only fortreſs of Scotland, that remained in the hands of the Engliſh, had been long beſieged by Edward Bruce; and Philip de Mowbray, the governor, after an obſtinate defence, was at laſt obliged to capitulate, and to promiſe that if, before a certain day, which was now approaching, he was not relieved, he ſhould open his gates to the enemy[c]. Robert therefore, ſenſible that here was the ground on which he muſt expect the Engliſh, choſe the field of battle with all the ſkill and prudence imaginable, and made the neceſſary preparations for their reception. He poſted himſelf at Bannockburn, about two miles from Stirling; where he had a hill on his right flank, and a moraſs on his left: And not content with having taken theſe

[b] We find in Rymer, vol. iii. p. 481. a liſt of all the infantry aſſembled from all parts of England and Wales; and they are only 21540. It is not likely therefore that the whole army could be near ſo numerous as is reported.

[c] Rymer, vol. iii. p. 481.

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precautions to prevent his being ſurrounded by the more numerous army of the Engliſh; he foreſaw the ſuperior ſtrength of the enemy in cavalry, and made proviſion againſt it. Having a rivulet in front, he commanded deep pits to be dug along its banks, and ſharp ſtakes to be planted in them, and he ordered the whole to be carefully covered over with turf[d]. The Engliſh arrived in ſight on the evening, and a bloody conflict immediately enſued between two bodies of cavalry; where Robert, who was at the head of the Scots, engaged in ſingle combat with Henry de Bohun, a gentleman of the family of Hereford; and at one ſtroke cleft his adverſary to the chin with a battle ax, in ſight of the two armies. The Engliſh horſe fled with precipitation to their main body.

THE Scots, encouraged by this favourable event, and glorying in the valour of their prince, prognoſticated a happy iſſue to the combat on the enſuing day: The Engliſh, confident in their numbers, and elated with paſt ſucceſſes, longed for an opportunity of revenge: And the night, tho' extremely ſhort in that ſeaſon and in that climate, appeared tedious to the impatience of the ſeveral combatants. Early in the morning, Edward drew out his army, and advanced towards the Scots. The earl of Gloceſter, his nephew, who commanded the left wing of the cavalry, impelled by the ardour of youth, ruſhed on to the attack without precaution, and fell among the covered pits, which had been prepared by Bruce for the reception of the enemy[e]. This body of horſe was diſordered: Gloceſter himſelf was overthrown and ſlain: Sir James Douglas, who commanded the Scottiſh cavalry, gave the enemy no leiſure to rally, but puſhed them off the field with conſiderable loſs, and purſued

Battle of Bannockburn.

25th June.

[d] T. de la More, p. 594. [e] Ibid.

them

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them in ſight of their whole line of infantry. While the Engliſh army were alarmed with this unfortunate beginning of the action, which commonly proves deciſive, they obſerved an army on the heights towards the left, which ſeemed to be marching leiſurely in order to ſurround them; and they were diſtracted by their multiplied fears. This was a number of waggoners and ſumpter boys, whom Robert had collected together; and having ſupplied them with military ſtandards, gave them the appearance at a diſtance of a formidable body. The ſtratagem took effect: A panic ſeized the Engliſh: They threw down their arms and fled: They were purſued with great ſlaughter, for the ſpace of eighty miles, till they reached Berwic: And the Scots, beſides an ineſtimable booty, took many perſons of quality priſoners, and above 400 gentlemen, whom Robert treated with great humanity[f], and whoſe ranſom was a new acceſſion of wealth to the victorious army. The King himſelf very narrowly eſcaped by taking ſhelter in Dunbar, whoſe gates were opened to him by the earl of March; and he thence paſſed by ſea to Berwic.

SUCH was the great and deciſive battle of Bannockburn, which ſecured the independancy of Scotland, fixed Bruce on the throne of that kingdom, and may be deemed the greateſt overthrow, which the Engliſh monarchy, ſince the conqueſt, has ever received. The numbers of ſlain on theſe occaſions are always uncertain, and are commonly much magnified by the victors: But this defeat made a deep impreſſion on the minds of the Engliſh; and it was remarked, that, for ſome years, no ſuperiority of numbers could encourage them to keep the field

[f] Ypod. Neuſt. p. 501.

againſt

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1314. againſt the Scots[g]. Robert, to make advantage of his preſent ſucceſs, broke into England, and ravaged all the northern counties without oppoſition: He beſieged Carliſle, tho' that place was ſaved by the valour of ſir Andrew Harcla, the governor: He was more ſucceſsful againſt Berwic, which he took by aſſault[h]: And this prince, elated by his continued proſperity, entertained hopes of making the moſt important conqueſts on

1315. the Engliſh. He ſent over his brother Edward, with an army of 6000 men, into Ireland; and that nobleman aſſumed the title of King of Ireland[i]: He followed ſoon after himſelf with more numerous forces: The horrible and abſurd oppreſſions, which the Iriſh ſuffered under the Engliſh government, made them, at firſt, fly to the ſtandard of the Scots, whom they regarded as their deliverers: But a grievous famine, which at that time laid deſolate both Ireland and Britain, reduced the Scottiſh army to the greateſt extremities; and Robert was obliged to return, with his forces much diminiſhed, into his own country. His brother, after having experienced a variety of fortune, was defeated and ſlain near Dundalk by the Engliſh, commanded by lord Bermingham[k]: And theſe projects, too extenſive for the force of the Scottiſh nation, thus vaniſhed into ſmoke.

THE King, beſides ſuffering thoſe diſaſters from the invaſion of the Scots and the inſurrection of the Iriſh, was alſo infeſted with a rebellion in Wales[l]; and above all, by the factions of his own nobility, who took advantage of the public calamities,

[g] Walſing. p. 106. [h] T. de la More, p. 594. Murimuth, p. 53.
[i] Trivet, cont. p. 28. [k] Rymer, vol. iii. p. 767, 777. Walſing. p. 3. Ypod. Neuſt. p. 503. T. de la More, p. 594. Trivet, cont. p. 29.
[l] Rymer, vol. iii. p. 553.

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insulted his fallen fortunes, and endeavoured to establish their own independance on the ruins of the throne. Lancaster and the barons of his party, who had declined attending Edward on his Scottish expedition, no sooner saw him return with disgrace, than they insisted on the renewal of their ordinances, which they still pretended to have validity; and the King's unhappy condition obliged him to submit to their demands. The ministry was new modeled by the direction of Lancaster [m]: That prince was placed at the head of the council: It was declared, that all the offices should be filled, from time to time, by the votes of parliament, or rather, by the will of the great barons [n]: And the nation, under this new model of government, endeavoured to put itself in a better posture of defence against the Scots. But the factious nobles were far from being terrified with the progress of these public enemies: On the contrary, they founded the hopes of their own future grandeur on the weakness and distresses of the crown: Lancaster himself was suspected, with great appearance of reason, of holding a secret correspondence with the King of Scots: And tho' he was himself entrusted with the command of the English armies, he took care that every enterprize should be disappointed, and every plan of operations prove unsuccessful.

ALL the European kingdoms, especially that of England, were at this time unacquainted with the office of a prime minister, so well understood at present in all regular monarchies; and the people could form no conception of a man, who, tho' still in the rank of a subject, possessed all the power of a sovereign, eased the prince of the burthen of affairs, supplied his

[m] Ryley, p. 560. Rymer, vol. iii. p. 722.

[n] Brady, vol. ii. p. 122. from the records, app. N°. 61. Ryley, p. 560.

want

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want of experience or capacity, and maintained all the rights of the crown, without degrading the greateſt nobles by their ſubmiſſion to his temporary authority. Edward was plainly by nature unfit to hold himſelf the reins of government: He had no vices; but was unhappy in a total incapacity for ſerious buſineſs: He was ſenſible of his own defects, and neceſſarily ſought to be governed: Yet every favourite, whom he ſucceſſively choſe, was regarded as a fellow-ſubject, exalted above his rank and ſtation: He was the object of envy to the great nobility: His character and conduct were decryed with the people: His authority over the king and kingdom was conſidered as an uſurpation: And unleſs the prince had embraced the dangerous expedient, of devolving his power on the earl of Lancaſter or ſome mighty baron, whoſe family intereſt was ſo extenſive as to be able alone to maintain his influence, he could expect no peace nor tranquillity upon the throne.

Hugh le Deſpenſer.

THE King's chief favourite, after the death of Gavaſton, was Hugh le Deſpenſer or Spenſer, a young man of Engliſh birth, of high rank, and of a noble family [o]. He poſſeſſed all the exterior accompliſhments of perſon and addreſs, which were fitted to engage the weak mind of Edward; but was devoid of that moderation and prudence, which might have qualified him to mitigate the envy of the great, and conduct him thro' all the perils of that dangerous ſtation, to which he was advanced. His father, who was of the ſame name, and who, by means of his ſon, had alſo attained great influence over the King, was a nobleman venerable from his years, reſpected thro' all his paſt life for wiſdom, valour and integrity, and well fitted by his talents and experience, could affairs have admitted of any

[o] Dugd. Baron. vol. i. p. 389.

temperament,

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temperament, to have ſupplied the defects both of the King and of his minion [p]. But no ſooner was Edward's attachment declared for young Spenſer, than the turbulent Lancaſter, and moſt of the great barons, regarded him as their rival, made him the object of their animoſity, and formed violent plans for his ruin [q]. They firſt declared their diſcontent by withdrawing from parliament; and it was not long ere they found a pretence for proceeding to greater extremities againſt him.

1321. Civil commotions.

THE King, who ſet no limits to his bounty towards his minions, had married the younger Spenſer to his niece, one of the co-heirs of the earl of Gloceſter, ſlain at Bannockburn; and the favourite, by his ſucceſſion to that opulent family, had inherited great poſſeſſions in the marches of Wales [r], and being deſirous of extending ſtill farther his influence in thoſe quarters, he is accuſed of having committed injuſtice towards the barons of Audley and Ammori, who had alſo married two ſiſters of the ſame family. There was likewiſe a baron in that neighbourhood, called William de Braouſe, lord of Gower, who had made a ſettlement of his eſtate on John de Mowbray, his ſon-in-law; and in caſe of failure of that nobleman and his iſſue, had ſubſtituted the earl of Hereford, in the ſucceſſion to the barony of Gower. Mowbray, on the deceaſe of his father-in-law, entered immediately in poſſeſſion of the eſtate, without the formality of taking livery and ſeizin from the crown; and Spenſer, who coveted that barony, perſuaded the King to put in execution the rigour of the feudal law, to ſeize Gower as eſcheated to the crown, and to confer it upon him [s]. This tranſaction, which was the proper ſubject of a law-ſuit, imme-

[p] T. de la More, p. 594. Murimuth, p. 55.
[q] Walſing. p. 113. T. de la More, p. 595.
[r] Trivet, cont. p. 25.
[s] Monach. Malmes.

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diately excited a civil war in the kingdom. The earls of Lancaſter and Hereford flew to arms: Audley and Ammori joined them with all their forces: The two Rogers de Mortimer and Roger de Clifford, with many others, diſguſted for private reaſons with the Spenſers, brought a conſiderable acceſſion to the party: And their army being now formidable, they ſent a meſſage to the King, requiring him immediately to diſmiſs or confine the younger Spenſer; and menacing him, in caſe of refuſal, with renouncing their homage and allegiance to him, and taking revenge on that miniſter by their own authority. They ſcarce waited for an anſwer; but immediately fell upon the lands of young Spencer, which they pillaged and deſtroyed; murdered his ſervants, drove off his cattle, and burned his houſes [t]. They proceeded thence to commit like devaſtations on the eſtates of Spenſer, the father, whoſe character hitherto they had ſeemed to reſpect. And having drawn and ſigned a formal aſſociation among themſelves [u], they marched to London with all their forces, ſtationed themſelves in the neighbourhood of that city, and demanded of the King the baniſhment of both the Spenſers. Theſe noblemen were then abſent; the father abroad, the ſon at ſea; and both of them employed in different commiſſions: The King therefore replied, that his coronation oath, by which he was bound to obſerve the laws, reſtrained him from giving his aſſent to ſo illegal a demand, or condemning noblemen who were accuſed of no crime, nor had any opportunity afforded them of making anſwer [w]. Equity and reaſon were but a feeble oppoſition to men, who had arms in their hands, and who, being already involved in guilt, ſaw no ſafety but in ſucceſs and victory. They entered London with

[t] Murimuth, p. 55.

[u] Tyrrel, vol. ii. p. 280, from the regiſter of C. C. Canterbury.

[w] Walſing. p. 114.

their

their troops; and giving in to the parliament, which was then ſitting, a charge againſt the Spenſers, of which they attempted not to prove one article, they procured, by menaces and violence, a ſentence of perpetual exile and forfeiture againſt theſe miniſters [x]. This ſentence was voted by the lay barons alone: For the commons, tho' now an eſtate in parliament, were yet of ſo little conſideration, that their aſſent was not demanded; and even the voice of the prelates was neglected amidſt the preſent diſorders. The only ſymptom, which theſe turbulent barons gave of their regard to law, was their requiring from the King an indemnity for their illegal proceedings [y]; after which they diſbanded their army, and ſeparated, in ſecurity, as they imagined, to their ſeveral caſtles.

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THIS act of violence, in which the King was obliged to acquieſce, rendered his perſon and his authority ſo contemptible, that every one thought himſelf entitled to treat him with neglect. The queen, having occaſion ſoon after to paſs by the caſtle of Leeds in Kent, which belonged to the lord Badleſmere, deſired a night's lodging; but was refuſed admittance, and ſome of her attendants, who preſented themſelves at the gate, were killed [z]. The inſult upon this princeſs, who had always endeavoured to live on good terms with the barons, and who joined them heartily in their hatred of the younger Spenſer, was an action which no body pretended to juſtify; and the King thought, that he might, without giving general umbrage, aſſemble an army, and take vengeance on the offender.

[x] Tottle's collect. part 2. p. 50. Walſing. p. 114.

[y] Tottle's collect. part 2. p. 54. Rymer, vol. iii. p. 891.

[z] Rymer, vol. iii. p. 89. Walſing. p. 114, 115. T. de la More, p. 595. Murimuth, p. 56.

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1321. No one came to the aſſiſtance of Badleſmere; and Edward prevailed[a]: But having now ſome forces on foot, and having concerted meaſures with his friends throughout England, he ventured to take off the maſk, to attack all his enemies, and to recall the two Spenſers, whoſe ſentence he declared illegal, unjuſt, contrary to the tenor of the great charter, paſſed without the aſſent of the prelates, and extorted by violence from him and the eſtate of barons[b]. Still the commons were not mentioned by either party.

1322. THE King had now got the ſtart of his adverſaries; an advantage, which, in thoſe times, was commonly deciſive: And he haſtened with his army to the marches of Wales, the chief ſeat of the enemies power, whom he found totally unprepared for reſiſtance. Many of the barons in thoſe parts endeavoured to appeaſe him by ſubmiſſion[c]: Their caſtles were ſeized, and their perſons committed to cuſtody. But Lancaſter, in order to prevent the total ruin of his party, ſummoned together his vaſſals and retainers; declared his alliance with Scotland, which had long been ſuſpected; received the promiſe of a reinforcement from that country under the command of Randolf, earl of Murray, and ſir James Douglas[d]; and being joined by the earl of Hereford, advanced with all his forces againſt the King, who had collected an army of 30,000 men, and was ſuperior to his enemies. Lancaſter poſted himſelf at Burton upon Trent, and endeavoured to defend the paſſages of the river[e]: But being diſappointed in that plan of operations; this prince, who had no military genius, and whoſe perſonal courage was even ſuſ-

[a] Walſing. p. 115. [b] Rymer, vol. iii. p. 907. T. de la More, p. 595.
[c] Walſing. p. 115. Murimuth, p. 57. [d] Rymer, vol. iii. p. 958.
[e] Walſing. p. 115.

pected, fled with his army to the north, in expectation of being there joined by his Scottiſh allies[f]. He was purſued by the King; and his army diminiſhed daily; till he came to Borough-bridge, where he found ſir Andrew Harcla poſted with ſome forces on the oppoſite ſide of the river, and ready to diſpute the paſſage with him. He was repulſed in an attempt which he made to force his way; the earl of Hereford was killed; the whole army of the rebels was diſconcerted; Lancaſter himſelf was become incapable of taking any meaſures either for flight or defence; and he was ſeized without reſiſtance by Harcla, and conducted to the King[g]. In thoſe violent times, the laws were ſo much neglected on both ſides, that, even where they might, without any ſenſible inconvenience, have been obſerved, the conquerors deemed it unneceſſary to pay any regard to them. Lancaſter, who was guilty of open rebellion, and was taken in arms againſt his ſovereign, inſtead of being tried by the laws of his country, which pronounced the ſentence of death againſt him, was condemned by a court-martial[h], and led to execution. Edward, however little vindictive in his natural temper, here indulged his revenge, and practiſed againſt the priſoner the ſame indignities, which had been exerciſed by his orders againſt Gavaſton. He was cloathed in a mean attire, placed on a lean jade without a bridle, a hood was put on his head, and in this poſture, attended by the acclamations of the people, this prince was conducted to an eminence near Pomfret, one of his own caſtles, and there beheaded[i].

16 March.

23d March. Execution of the earl of Lancaſter.

THUS periſhed Thomas earl of Lancaſter, the firſt prince of the blood, and one of the moſt potent barons who had ever

[f] Ypod. Neuſt. p. 504.
[g] T. de la More, p. 596. Walſing. p. 116.
[h] Tyrrel, vol. ii. p. 291. from the records.
[i] Leland's Coll. vol. i. p. 668.

been

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been in England. His public conduct ſufficiently diſcovers the violence and turbulency of his character: His private deportment appears not to have been more innocent[k]: And his hypocritical devotion, by which he gained the favour of the monks and populace, will rather be regarded as an aggravation than an alleviation of his guilt[l]. Badleſmere, Giffard, Barret, Cheyney, Fleming, and about eighteen of the moſt notorious offenders, were afterwards condemned by a legal trial and were executed[m]. Many were thrown into priſon: Others made their eſcape beyond ſea: Some of the King's ſervants were rewarded from the forfeitures: Harcla received for his ſervices the earldom of Carliſle[n], and a large eſtate, which he ſoon after forfeited with his life, for a treaſonable correſpondence with the King of Scotland[o]. But the greateſt part of all thoſe vaſt eſcheats was ſeized by young Spenſer, whoſe rapacity was inſatiable[p]. Many of the barons of the King's party were diſguſted with this partial diviſion of the ſpoils: The envy againſt Spenſer roſe higher than ever: The uſual inſolence of his temper, raiſed by ſucceſs, impelled him to commit many acts of violence[q]. The people, who always hated him, made him ſtill more the object of averſion: All the relations of the attainted barons and gentlemen ſecretly avowed revenge: And tho' tranquillity was in appearance reſtored to the kingdom, the general contempt of the King and odium againſt Spenſer, bred dangerous humours, the ſource of future revolutions and convulſions.

[k] Knyghton, p. 2540. [l] Higden, lib. 7. cap. 42. [m] T. de la More, p. 596. [n] Rymer, vol. iii. p. 943. Walſing. p. 118.
[o] Rymer, vol. iii. p. 988, 994, 999. vol. iv. p. 4. Walſing. p. 118. Ypod. Neuſt. p. 505. [p] Dugd. vol. i. p. 393. [q] Dugd. vol. i. p. 393. T. de la More, p. 597.

IN

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In this ſituation no ſucceſs could be expected from foreign wars; and Edward, after making one more fruitleſs attempt againſt Scotland, whence he retreated with diſhonour, found it neceſſary to terminate hoſtilities with that kingdom, by a truce of thirteen years[r]: Robert, tho' his title to the crown was not acknowledged in the treaty, was ſatisfied with enſuring his poſſeſſion of it during ſo long a time. He had repelled with gallantry all the attacks of England: He had carried war both into that kingdom and into Ireland: He had rejected with diſdain the Pope's authority, who pretended to impoſe his commands upon him, and oblige him to make peace with his enemies: His throne was firmly eſtabliſhed, as well in the affections of his ſubjects, as by force of arms: Yet there naturally remained ſome inquietude in his mind, while at war with a ſtate, which, however at preſent diſordered by faction, was of itſelf ſo much an over-match for him both in riches and in numbers of people. And this truce was, at the ſame time, the more ſeaſonable for England; becauſe the nation was in that juncture threatened with hoſtilities from France. 1322.

Philip the Fair, King of France, who died in 1315, had left the crown to his ſon Lewis Hutin, who, after a ſhort reign, dying without male iſſue, was ſucceeded by Philip the Long, his brother, whoſe death ſoon after made way for Charles the Fair, the youngeſt brother of that family. This monarch had ſome reaſons of complaint againſt the King's miniſters in Guienne; and as there was no common nor equitable judge in that ſtrange ſpecies of ſovereignty, eſtabliſhed by the feudal law, he ſeemed deſirous to take revenge of Edward's weakneſs, and under that pretence, to confiſcate all his foreign dominions[s]. 1324.

[r] Rymer, vol. iii. p. 1022. Murimuth, p. 60.

[s] Rymer, vol. iv. p. 74, 98.

After

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1324. After an embaſſy by the earl of Kent, the King's brother, had been tried in vain, Queen Iſabella obtained permiſſion to go over to Paris, and endeavour to adjuſt, in an amicable manner, the difference with her brother[t]: But while ſhe was making ſome progreſs in this negociation, Charles ſtarted a new pretenſion, the juſtice of which could not be diſputed, that Edward himſelf ſhould appear in his court, and do homage for the fees which he held in France[u]. But there occurred many difficulties in complying with this demand. Young Spenſer, by whom the King was implicitly governed, had unavoidably been engaged in many quarrels with the Queen, who aſpired to the ſame authority; and tho' that artful princeſs, on her leaving England, had diſſembled her animoſity[w], Spenſer, well acquainted with her ſecret ſentiments, was unwilling to attend his maſter to Paris, and appear in a court, where her credit might expoſe him to inſults, if not to danger. He heſitated no leſs on allowing the King to make the journey alone; both fearing, leſt that eaſy prince ſhould in his abſence fall under ſome other influence, and foreſeeing the perils, to which he himſelf ſhould be expoſed, if, without the protection of royal authority, he remained in England, where he was ſo generally
1325. hated. While theſe doubts bred delays and difficulties, Iſabella propoſed, that Edward ſhould reſign the dominion of Guienne to his ſon, now thirteen years of age; and that the prince ſhould come to Paris, and do the homage which every vaſſal owed to his ſuperior lord[x]. This expedient, which ſeemed ſo happily to remove all difficulties, was immediately

[t] Rymer, vol. iv. p. 140. Murimuth, p. 63. [u] T. de la More, p. 596. Walſing. p. 117. Ypod. Neuſt. p. 505. Murimuth, p. 60. [w] Rymer, vol. iv. p. 194. [x] Rymer, vol. iv. p. 163, 164, 165. Walſing. p. 120. T. de la More, p. 597. Murimuth, p. 64.

complied

complied with: Spenſer was charmed with the contrivance: Young Edward was ſent to Paris: And the ruin, covered under this fatal ſnare, was never perceived, nor ſuſpected, by any of the Engliſh council. CHAP. XIV. 1325.

THE Queen, on her arrival in France, had found there a great number of Engliſh fugitives, the remains of the Lancaſtrian faction; and their common hatred of Spenſer ſoon bred a ſecret friendſhip and correſpondence between them and that princeſs. Among the reſt was young Roger Mortimer, a potent baron in the Welſh marches, who had been obliged, with others, to make his ſubmiſſion to the King, had been condemned for high treaſon; but having received a pardon for his life, was afterwards detained in the Tower, with an intention of rendering his confinement perpetual. He was ſo fortunate as to make his eſcape into France[y]; and being one of the moſt conſiderable perſons now remaining of the party, as well as diſtinguiſhed by his violent animoſity againſt Spenſer, he was eaſily admitted to pay his court to Queen Iſabella. The graces of his perſon and addreſs advanced him quickly in her affections: He became her confident and counſellor in all her meaſures: And gaining daily ground upon her heart, he engaged her to ſacrifice at laſt, to her paſſion, all the ſentiments of honour and of fidelity to her huſband[z]. Hating now the man, whom ſhe had injured, and whom ſhe never valued, ſhe entered cordially into all Mortimer's conſpiracies; and having artfully got into her hands the young prince, and heir of the monarchy, ſhe reſolved on the utter ruin of the King, as well as of his favourite. She engaged her brother to enter into this criminal

Conſpiracy againſt the King.

[y] Rymer, vol. iv. p. 7, 8, 20. T. de la More, p. 596. Walſing. p. 120. Ypod. Neuſt. p. 506. [z] T. de la More, p. 598. Murimuth, p. 65.

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purpoſe: Her court was daily full of the exiled barons: Mortimer lived in the moſt declared intimacy with her: A correſpondence was ſecretly carried on with the malcontent party in England: And when Edward, informed of theſe alarming circumſtances, required her ſpeedily to return with the prince, ſhe publicly replied, that ſhe never would ſet foot in the kingdom, till Spenſer was forever removed from his preſence and councils: A declaration, which procured her great popularity in England, and threw a decent veil on all her treaſonable enterprizes.

EDWARD endeavoured to put himſelf in a poſture of defence[a]; but beſides the difficulties ariſing from his own indolence and ſlender abilities, and the want of authority, which of conſequence attended all his reſolutions, it was not eaſy for him, in the preſent ſtate of the kingdom and revenue, to maintain a conſtant force, ready to repell an invaſion, which he knew not at what time or place he had reaſon to expect. All his efforts were unequal to the traiterous and hoſtile conſpiracies, which both at home and abroad were forming againſt his authority, and which were daily penetrating farther even into his own family. His brother, the earl of Kent, a virtuous but weak prince, who was then at Paris, was engaged by his ſiſter-in-law, and by the King of France, who was alſo his couſin german, to give countenance to the invaſion, whoſe ſole object, he believed, was the expulſion of the Spenſers: He prevailed on his elder brother, the earl of Norfolk, to enter ſecretly into the ſame deſign: The earl of Leiceſter, brother and heir of the earl of Lancaſter, had too many reaſons for his hatred of theſe miniſters, to refuſe his concurrence. Walter de Reynel, arch-

Inſurrections.

[a] Rymer, vol. iv. p. 184, 188, 225.

biſhop

biſhop of Canterbury, and many of the prelates expreſſed their approbation of the Queen's meaſures: Several of the moſt potent barons, envying the exorbitant authority of the favourite, were ready to fly to arms: The minds of the people, by means of ſome truths and many calumnies, were ſtrongly diſpoſed to the ſame party: And there needed but the appearance of the Queen and Prince, with ſuch a body of foreign troops, as might be ſufficient to give her protection againſt immediate violence, to turn all this tempeſt, ſo artfully prepared, againſt the unhappy Edward. CHAP. XIV. 1325.

CHARLES, tho' he gave countenance and aſſiſtance to the faction, was aſhamed openly to ſupport the Queen and prince, againſt the authority of a huſband and father; and Iſabella was obliged to court the alliance of ſome other foreign potentate, from whoſe dominions ſhe might ſet out on her intended enterprize. For this purpoſe, ſhe affianced young Edward, whoſe tender age made him incapable to judge of the conſequences, with Philippa, daughter of the count of Holland and Hainault[b]; and having by the open aſſiſtance of this prince, and the ſecret protection of her brother, inliſted in her ſervice near 3000 men, ſhe ſet out from the harbour of Dort, and landed ſafely, and without oppoſition, on the coaſt of Suffolk. The earl of Kent was in her company: Two other princes of the blood, the earl of Norfolk, and the earl of Leiceſter, joined her ſoon after her landing with all their followers: Three prelates, the biſhops of Ely, Lincoln, and Hereford, brought her both the force of their vaſſals and the authority of their character[c]: Even Robert de Watteville, who had been ſent by the King to oppoſe her 1326. 24th Sept.

[b] T. de la More, p. 598.
[c] Walſing. p. 123. Ypod. Neuſt. p. 507. T. de la More, p. 598. Murimuth, p. 66.

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progreſs in Suffolk, deſerted to her with all his forces. To render her cauſe more favourable, ſhe renewed her declaration, that the ſole purpoſe of her enterprize was to free the king and kingdom from the tyranny of the Spenſers, and of chancellor Baldoc, their creature[d]. The populace were allured by her ſpecious pretences: The barons thought themſelves ſecure againſt forfeitures by the appearance of the prince of Wales in her army: And a weak irreſolute King, ſupported by miniſters generally odious, was altogether unable to ſtem this torrent, which bore with ſuch irreſiſtible violence againſt him.

EDWARD, after trying in vain to rouze the citizens of London to ſome ſenſe of loyalty[e], departed for the weſt, where he hoped to meet with a better reception; and he had no ſooner diſcovered his weakneſs by leaving the city, than the rage of the populace broke out without controul againſt him and his miniſters. They firſt plundered and then murdered all thoſe who were obnoxious to them: They ſeized the biſhop of Exeter, a virtuous and loyal prelate, as he was paſſing through the ſtreets; and having beheaded him, they threw his body into the river[f]. They made themſelves maſters of the Tower by ſurprize; and then entered into a formal aſſociation to put to death, without mercy, every one who ſhould dare to oppoſe the enterprize of Queen Iſabella, and of the prince[g]. A like ſpirit was ſoon communicated to all other parts of England; and threw the few ſervants of the King, who ſtill entertained thoughts of performing their duty, into terror and aſtoniſhment.

[d] Ypod. Neuſt. p. 508. [e] Walſing. p. 123. [f] Walſing. p. 124. T. de la More, p. 599. Murimuth, p. 66. [g] Walſing. p. 124.

EDWARD

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EDWARD was hotly purſued to Briſtol by the earl of Kent, ſeconded by the foreign forces under John de Hainault. He found himſelf diſappointed in his expectations with regard to the loyalty of thoſe parts; and he paſſed over to Wales, where, he flattered himſelf, his name was more popular, and which he hoped to find uninfected with the contagion of general rage, which had ſeized the Engliſh [h]. The elder Spenſer, lately created earl of Wincheſter, was left governor of the caſtle of Briſtol; but the garriſon mutinied againſt him, and he was delivered into the hands of his enemies. This venerable noble, who had nearly reached the ninetieth year of his age, was inſtantly, without a trial, or witneſs, or accuſation, or anſwer, condemned to death by the rebellious barons: He was hanged on a gibbet; his body was cut in pieces, and thrown to the dogs [i]; and his head was ſent to Wincheſter, the place whoſe title he bore, and was there ſet on a pole, and expoſed to the inſults of the populace.

THE King, diſappointed anew in his expectations of ſuccours from the Welſh, took ſhipping for Ireland; but being drove back by contrary winds, he endeavoured to conceal himſelf in the mountains of Wales: He was ſoon diſcovered, was put under the cuſtody of the earl of Leiceſter, and was confined in the caſtle of Kenilworth. The younger Spenſer, his favourite, who alſo fell into the hands of his enemies, was executed, like his father, without any appearance of a legal trial [k]: The earl of Arundel, almoſt the only man of his rank in England, who had maintained his loyalty, was alſo, without any trial, put to

[h] Murimuth, p. 67. [i] Leland's Coll. vol. i. p. 673. T. de la More, p. 599. Walſing. p. 125. M. Froiſſart, liv. i. chap. 13. [k] Walſing. p. 125. Ypod. Neuſt. p. 508.

death

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1326. death at the inſtigation of Mortimer: Baldoc, the chancellor, being a prieſt, could not with ſafety be ſo ſuddenly diſpatched; but being ſent to the biſhop of Hereford's houſe in London, he was there, as his enemies probably foreſaw, ſeized by the populace, was thrown into Newgate, and ſoon after expired, from the cruel uſage which he had received [l]. Even the uſual reverence, paid to the ſacerdotal character, gave way, with every other conſideration, to the preſent rage of the people.

The King dethroned.

THE Queen, to avail herſelf of the prevailing deluſion, ſummoned, in the King's name, a parliament at Weſtminſter; where, together with the power of her army, and the authority of her partizans among the barons, who were concerned

1327. to ſecure their paſt treaſons by committing new acts of violence againſt their ſovereign, ſhe expected to be ſeconded by the fury of the populace, the moſt dangerous of all inſtruments, and the leaſt anſwerable for their exceſſes. A charge was drawn up

13th January. againſt the King, in which, even tho' it was framed by his inveterate enemies, nothing but his narrow genius, or his misfortunes, were objected to him: For the greateſt malice found no particular crime with which it could reproach this unhappy prince. He was accuſed of incapacity for government, of waſting his time in idle amuſements, of neglecting public buſineſs, of being ſwayed by evil counſellors, of having loſt, by his miſconduct, the kingdom of Scotland, and part of Guienne; and to ſwell the charge, even the death of ſome barons, and the impriſonment of ſome prelates, convicted of treaſon, were laid to his account [m]. It was in vain, amidſt the violence of arms and tumult of the people, to appeal either to law or reaſon:

[l] Walſing. p. 126. Murimuth, p. 68.
[m] Knyghton, p. 2765, 2766. Brady's App. N°. 72.

The

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The depoſition of the King, without any appearing oppoſition, was voted by parliament: The prince, already declared regent by his party [n], was placed on the throne: And a deputation was ſent to Edward at Kenilworth, to require his reſignation, which menaces and terror ſoon extorted from him.

But it was impoſſible, that the people, however corrupted by the barbarity of the times, ſtill farther enflamed by faction, could for ever remain inſenſible to the voice of nature. A wife, who had firſt deſerted, next invaded, and then dethroned her huſband: Who had made her infant ſon an inſtrument in this unnatural treatment of his father: Who had by lying pretences ſeduced the nation into a rebellion againſt their ſovereign: Who had puſhed them into violences and cruelties, that had diſhonoured them: All thoſe circumſtances were ſo odious in themſelves, and formed ſuch a complicated ſcene of guilt, that the leaſt reflection ſufficed to open mens eyes, and make them deteſt this flagrant infringement of every public and private duty. The ſuſpicions which ſoon aroſe of Iſabella's criminal commerce with Mortimer, the proofs which daily broke out of this part of her guilt, encreaſed the general abhorrence againſt her; and her impudent hypocriſy, in publicly bewailing with tears the King's unhappy fate [o], was not able to deceive even the moſt ſtupid and moſt prejudiced of her adherents. In proportion as the Queen became the object of public hatred, the dethroned monarch, who had been the victim of her crimes and her ambition, was regarded with pity, with friendſhip, with veneration; and men became ſenſible, that all his miſconduct, which faction had ſo much exaggerated, had been owing to the

[n] Rymer, vol. iv. p. 137. Walſing. p. 125.

[o] Walſing. p. 126.

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unavoidable weakneſs, not to any voluntary depravity, of his character. The earl of Leiceſter, now earl of Lancaſter, to whoſe cuſtody he had been committed, was ſoon touched with theſe generous ſentiments; and beſides uſing his priſoner with gentleneſs and humanity, he was ſuſpected to have entertained ſtill more honourable intentions in his favour. The King, therefore, was taken out of his hands, and delivered over to the lord Berkeley, and Mautravers, and Gournay, who were entruſted alternately, each for a month, with the charge of guarding him. While he was in Berkeley's cuſtody, he was ſtill uſed with the gentleneſs due to his rank and his misfortunes; but when the turn of Mautravers, and Gournay came, every ſpecies of indignity was practiſed againſt him, as if their intention had been to break entirely the prince's ſpirit, and to employ his ſorrows and afflictions, inſtead of more violent and more dangerous expedients, for the inſtruments of his murder[p]. It is reported, that one day, when Edward was to be ſhaved, they ordered cold and dirty water to be brought from the ditch for that purpoſe; and when he deſired it to be changed, and was ſtill denied his requeſt, he burſt out into tears, which bedewed his cheeks; and he exclaimed, that, in ſpite of their inſolence, he ſhould be ſhaved with clean and warm water[q]. But as this means for laying Edward in his grave appeared ſtill too ſlow to the impatient Mortimer, he ſecretly ſent orders to the two keepers, who were at his devotion, inſtantly to diſpatch him; and theſe ruffians contrived to make the manner of his death as cruel and barbarous as poſſible. Taking advantage of Berkeley's ſickneſs, in whoſe cuſtody he then was, and who was thereby incapacitated from attending his charge[r]; they

[p] Anonymi Hiſt. p. 838.
[q] T. de la More, p. 602.
[r] Cotton's Abridg. p. 8.

came

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came to Berkeley-caſtle, and put themſelves in poſſeſſion of the King's perſon. They threw him on the bed; held him down violently with a table, which they flung over him; thruſt into his fundament a red-hot iron, which they inſerted thro' a horn; and tho' the outward marks of violence upon his perſon were prevented by this expedient, the horrid deed was diſcovered to all the guards and attendants by the ſcreams, with which the agonizing King filled the caſtle, while his bowels were conſuming [s].

GOURNAY and Mautravers were held in deteſtation by all mankind; and when the enſuing revolution in England threw their protectors from power, they found it neceſſary to provide for their ſafety by flying the kingdom. Gournay was afterwards ſeized at Marſeilles, delivered over to the ſeneſchal of Guienne, put on board a ſhip with a view of carrying him over to England; but was beheaded at ſea, by ſecret orders, as was ſuppoſed, from ſome nobles and prelates in England, anxious to prevent any diſcovery, which he might make of his accomplices [t]. Mautravers concealed himſelf for ſeveral years in Germany; but having found means of rendering ſome ſervice to Edward III. he ventured to approach his perſon, threw himſelf on his knees before him, ſubmitted to mercy, and received a pardon [u].

His character.

IT is not eaſy to imagine a man more innocent and inoffenſive than the unhappy King, whoſe tragical death we have related; nor a prince leſs fitted for governing that fierce and

[s] Walſing. p. 127. Ypod. Neuſt. p. 509 Heming. p. 268. T. de la More, p. 603.
[t] Walſing. p. 128. Anon. Hiſt. p. 390.
[u] Cotton's Abridg. p. 66, 81. Rymer, vol. v. p. 660.

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turbulent people, ſubjected to his authority. He was obliged to devolve on others the weight of government, which he had neither ability nor inclination to bear: The ſame indolence and want of penetration led him to make choice of miniſters and favourites, who were not always the beſt qualified for the truſt committed to them: The ſeditious grandees, pleaſed with his weakneſs, yet complaining of it; under pretence of attacking his miniſters, inſulted his perſon and invaded his authority: And the impatient populace, ignorant of the ſource of their grievances, threw all the blame upon the King, and encreaſed the public diſorders by their faction and violence. It was in vain to look for protection from the laws, whoſe voice, always feeble in thoſe times, was not heard amidſt the din of arms: What could not defend the King was leſs able to give ſhelter to any of the people: The whole machine of government was torne in pieces with fury and violence: And men, inſtead of regretting the manners of their age, and the form of their conſtitution, which required the moſt ſteady and moſt ſkilful hand to conduct them, imputed all errors to the perſon, who had the misfortune to be entruſted with the reins of empire.

BUT tho' ſuch miſtakes be natural and almoſt unavoidable while the events are recent, it is a ſhameful deluſion in modern hiſtorians, to imagine, that all the antient princes, who were unfortunate in their government, were alſo tyrannical in their conduct, and that the ſeditions of the people proceeded always from ſome invaſion of their liberties and privileges by the monarch. Even a great and a good King was not in that age ſecure againſt faction and rebellion, as appears in the caſe of Henry II. but a great King had the beſt chance, as we learn from the hiſtory of the ſame period, for quelling and ſubduing them.

them. Compare the reigns and characters of Edward I. and II. The father made ſeveral violent attempts againſt the liberties of the people: His barons oppoſed him; He was obliged, at leaſt found it prudent, to ſubmit: But as they dreaded his valour and abilities, they were contented with reaſonable ſatisfaction, and puſhed no farther their advantages againſt him. The facility and weakneſs of the ſon, not his violence, threw every thing into confuſion: The laws and government were overturned: An attempt to reinſtate them was an unpardonable crime: And no atonement, but the depoſition and tragical death of the King himſelf, could give theſe barons contentment. It is eaſy to ſee, that a conſtitution, which depended ſo much on the perſonal character of the ſovereign, muſt neceſſarily, in many of its parts, be a government of will, not of laws. But always to throw, without diſtinction, the blame of all diſorders upon the prince, would introduce a fatal error in politics, and ſerve as a perpetual apology for treaſon and rebellion: As if the turbulency of the great, and madneſs of the people, were not, equally with the tyranny of princes, evils incident to human ſociety, and no leſs carefully to be guarded againſt in every well regulated conſtitution.

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WHILE theſe abominable ſcenes paſſed in England, the theatre of France was ſtained with a wickedneſs equally barbarous, and ſtill more public and deliberate. The order of knights templars had ariſen during the firſt fervour of the Cruſades; and uniting the two qualities the moſt popular in that age, devotion and valour, and exerciſing both in the moſt popular of all enterprizes, the defence of the Holy Land, they had made rapid advances in credit and authority, and had acquired, from the piety of the faithful, very ample poſſeſſions in every

Miſcellaneous tranſactions during this reign.

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country of Europe, eſpecially in France. Their great riches, joined to the courſe of time, had, by degrees, relaxed the ſeverity of theſe virtues; and the templars had in a great meaſure loſt that popularity, which firſt raiſed them to honour and diſtinction. Acquainted from experience with the fatigues and dangers of thoſe fruitleſs expeditions to the Eaſt, they choſe rather to enjoy in eaſe their opulent revenues in Europe: And being all of them men of birth, educated, according to the cuſtom of that age, without any tincture of letters, they ſcorned the ignoble occupations of a monaſtic life, and paſſed their time wholly in the faſhionable amuſements of hunting, gallantry, and the pleaſures of the table. Their rival order, that of St. John of Jeruſalem, whoſe poverty had as yet preſerved them from like corruptions, ſtill diſtinguiſhed themſelves by their enterprizes againſt the infidels, and ſucceeded to all the popularity, which was loſt by the indolence and luxury of the templars. But though theſe cauſes had weakened the foundations of this order, once ſo celebrated and revered, the immediate ſource of their deſtruction proceeded from the cruel and vindictive ſpirit of Philip the Fair, who having entertained a private diſguſt againſt ſome eminent templars, determined to gratify at once his avidity and revenge, by involving the whole order in one undiſtinguiſhed ruin. On no better information, than that of two knights, condemned by their ſuperiors to perpetual impriſonment for their vices and profligacy; he ordered on one day all the templars of France to be committed to priſon, and imputed to them ſuch enormous and abſurd crimes, as are ſufficient of themſelves to deſtroy all the credit of the accuſation. Beſides their being univerſally charged with murder, robbery, and vices the moſt ſhocking to nature; every one, it was pretended, whom they received into their order, was obliged to renounce

renounce his Saviour, to ſpit upon the croſs[w], and to join to this impiety the ſuperſtition of worſhiping a gilded head, which was ſecretly kept in one of their houſes at Marſeilles. They alſo initiated, it was ſaid, every candidate by ſuch infamous rites, as could ſerve to no other purpoſe, than to degrade the order in his eyes, and deſtroy for ever the authority of all his ſuperiors over him[x]. Above an hundred of theſe unhappy gentlemen were put to the queſtion, in order to extort from them a confeſſion of their guilt: The more obſtinate periſhed in the hands of their tormentors: Several, to procure immediate eaſe in the violence of their agonies, acknowledged whatever was required of them: Forged confeſſions were imputed to others[y]: And Philip, as if their guilt were now certain, proceeded to a confiſcation of all their treaſures. But no ſooner had the templars recovered from their tortures, than, preferring the moſt cruel execution to a life with infamy, they diſavowed their confeſſions, exclaimed againſt the forgeries, juſtified the innocence of their order, and appealed to all the gallant actions, performed by them in ancient or latter times, as a full apology for their conduct. The tyrant, enraged at this diſappointment, and thinking himſelf now engaged in honour to proceed to extremities, ordered fifty-four of them, whom he branded as relapſed heretics, to periſh by the puniſhment of fire in his capital[z]: Great numbers expired after a like manner in other parts of the kingdom: And when he found, that the perſeverance of theſe unhappy victims, in juſtifying to the laſt their innocence, had made deep impreſſion on the ſpectators, he

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[w] Rymer, vol. iii. p. 31, 101.

[x] It was pretended, that he kiſſed the knights who received him on the mouth, navel and breech. Dupuy, p. 15, 16. Walſ p. 99.

[y] Vertot, hiſt. de Chev. de Malte, vol. ii. p 127, 130, &c.

[z] Vertot, vol. ii. p. 132. Trivet, cont. p. 8.

endeavoured

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endeavoured to overcome the conſtancy of the templars by new inhumanities. The grand maſter of the order, John de Molay, and another great officer, brother to the ſovereign of Dauphiné, were conducted to a ſcaffold, erected before the church of Notredame, at Paris: A full pardon was offered them on the one hand: The fire, deſtined for their execution, was ſhown to them on the other: Theſe gallant nobles ſtill perſiſted in the proteſtations of their own innocence and that of their order; and were inſtantly hurried into the flames by the executioner [a].

In all this barbarous injuſtice, Clement V. who was the creature of Philip, and then reſided in France, fully concurred; and without examining a witneſs, or making any enquiry into the truth of facts, he ſummarily, by the plenitude of his apoſtolic power, aboliſhed the whole order. The templars all over Europe were thrown into priſon; their conduct underwent a ſtrict ſcrutiny; the power of their enemies ſtill purſued and oppreſſed them; but no where, except in France, were the ſmalleſt traces of their guilt pretended to be found. England ſent back an ample teſtimony of their piety and morals; but as the order was now annihilated, the knights were diſtributed into ſeveral convents, and their poſſeſſions were, by command of the Pope, transferred to the order of St. John [b]. We now proceed to relate ſome other detached tranſactions of the preſent period.

The kingdom of England was afflicted with a grievous famine during ſeveral years of this reign. Perpetual rains and

[a] Vertot, vol. ii. p. 142.
[b] Rymer, vol. iii. p. 323, 936. vol. iv. p. 47. Ypod. Neuſt. p. 506.

cold weather, not only deſtroyed the harveſt, but bred a mortality among the cattle, and raiſed every kind of food to an enormous price [c]. The parliament, in 1315, endeavoured to fix more moderate rates on commodities; not ſenſible that ſuch an attempt was impracticable, and that, were it poſſible to reduce the price of food by any other expedient than introducing plenty, nothing could be more pernicious and deſtructive to the public. Where the produce of a year, for inſtance, falls ſo far ſhort, as to afford full ſubſiſtance only for nine months, the only expedient for making it laſt all the twelve, is to raiſe the prices, to put the people by that means on ſhort allowance, and oblige them to ſpare their food, till a more plentiful year. But in reality, the encreaſe of prices is a neceſſary conſequence of ſcarcity; and laws, inſtead of preventing it, only encreaſe the evil, by cramping and reſtraining commerce. The parliament accordingly, in the enſuing year, repealed their ordinance, which they had found uſeleſs and burdenſome [d].

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THE prices affixed by the parliament are ſomewhat remarkable: Two pounds eight ſhillings of our preſent money for the beſt ox, not fed with corn: If fed with corn, three pounds twelve ſhillings: A fat hog of two years old, ten ſhillings: A fat wether unſhorn, a crown: If ſhorn, three ſhillings and ſix pence: A fat gooſe, ſeven pence halfpenny: A fat capon, ſix pence: A fat hen, three pence: Two chickens, three pence: Four pigeons, three pence: Two dozen of eggs, three pence [e]. If we conſider theſe prices, we ſhall find, that butcher's meat, in this time of great ſcarcity, muſt ſtill have been ſold by the parliamentary ordinance, three times cheaper than our

[c] Trivet, cont. p. 17, 18.
[d] Walſ. p. 107.
[e] Rot. Parl. 7 Edw. II. n. 35, 36. Ypod. Neuſt. p. 502.

middling

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middling prices at preſent: Poultry ſomewhat lower; becauſe, being now conſidered as a delicacy, it has riſen beyond its proportion. In the country places of Ireland and Scotland, where delicacies bear no price, poultry is at preſent as cheap, if not cheaper, than butcher's meat. But the inference I would draw from the compariſon of prices is ſtill more conſiderable: I ſuppoſe that the rates, affixed by parliament, were inferior to the uſual market prices in thoſe years of famine and mortality of cattle; and that theſe commodities, inſtead of a third, had really riſen to a half of the preſent value. But the famine at that time was ſo conſuming, that wheat was ſometimes ſold for above four pounds ten ſhillings a quarter[f], uſually for three pounds[g]; that is, conſiderably above twice our middling prices. A certain proof of the wretched ſtate of tillage in thoſe ages. We formerly found, that the middling price of corn in that period was a half of the preſent value; while the middling price of cattle was only an eighth part: We here find the ſame immenſe diſproportion in years of ſcarcity. It may thence be inferred with certainty, that the raiſing of corn was a ſpecies of manufactory, which few in that age could practiſe with advantage; And there is reaſon to think, that other manufactures more refined, were ſold even beyond their preſent prices: At leaſt there is a demonſtration for it in the reign of Henry VII. from the prices affixed to ſcarlet and other broad cloths by act of parliament. During all thoſe times, it was uſual for the princes and great nobility to make ſettlements of their velvet beds and ſilken robes, in the ſame manner as of their eſtates and manors[h]. In the liſt of jewels and plate, which had belonged to the oſtentatious Gavaſton, and which the King recovered from

[f] Murimuth, p. 48. Walſingham, p. 108, ſays it roſe to ſix pounds.
[g] Ypod. Neuſt. p. 502. Trivet, cont. p. 18. [h] Dugdale paſſim.

the

the earl of Lancaſter after the murder of that favourite, we find ſome embroidered girdles, flowered ſhirts, and ſilk waiſt-coats [i]. It was afterwards one article of accuſation againſt that potent and opulent earl, when tried for his life, that he had purloined ſome of theſe effects of Gavaſton. The ignorance of thoſe ages in manufactures, and eſpecially in tillage, is a clear proof that they were far from being populous.

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ALL trade and manufactures indeed were then at a very low ebb. The only country in the northern parts of Europe, where they ſeem to have riſen to any tolerable degree of improvement, was Flanders. When Robert, earl of that country, was applied to by Edward, and was deſired to break off commerce with the Scots, whom Edward called his rebels, and repreſented as excommunicated on that account by the church, the earl replied, that Flanders was always conſidered as common and free and open to all nations [k].

THE petition of the elder Spenſer to parliament, complaining of the devaſtation committed on his lands by the barons, contains ſeveral particulars, which are curious, and diſcover the manners of the age [l]. He affirms, that they had ravaged ſixty three manors belonging to him, and he makes his loſſes amount to 46,000 pounds; that is, to 138,000 of our preſent money. Among other particulars, he enumerates 28,000 ſheep, 1000 oxen and heifers, 1200 cows with their breed for two years, 560 cart horſes, 2000 hogs, together with 600 bacons, 80 carcaſſes of beef, and 600 muttons in the larder; ten tuns of cyder, arms for 200 men and other warlike engines and proviſions.

[i] Rymer, vol. iii. p. 388.
[k] Ibid. p. 770.
[l] Brady's hiſt. vol. ii. p. 143, from Clauſ. 15 Edw. II. M. 14. Dors. in cedula.

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The plain inference is, that the greateſt part of Spenſer's vaſt eſtate, as well as that of the other nobility, was farmed by the landlord himſelf, managed by his ſtewards or bailiffs, and cultivated by his villains. Little or none of it was let on leaſe to huſbandmen: Its produce was conſumed in ruſtic hoſpitality by the baron or his officers: A great number of idle retainers, ready for any diſorder or miſchief, were maintained by him: All who lived upon his eſtate were abſolutely at his diſpoſal: Inſtead of applying to courts of juſtice, he uſually ſought redreſs by open force and violence: The great nobility were a kind of independant potentates, who, if they ſubmitted to any regulations at all, were leſs governed by the municipal law, than by a rude ſpecies of the laws of nations. The method in which we find they treated the King's favourites, and miniſters, is a proof of their uſual way of dealing with each other. A party, which complains of the arbitrary conduct of miniſters, ought naturally to affect a great regard for the laws and conſtitution, and maintain at leaſt the appearance of juſtice in their proceedings: Yet theſe barons, when diſcontented, came to parliament with an armed force, conſtrained the King to aſſent to their meaſures, and without any trial or witneſs or conviction, paſſed, from the pretended notoriety of facts, an act of baniſhment or attainder againſt the miniſter, which, on the firſt revolution of fortune, was reverſed by like expedients. The parliament, during factious times, was nothing but the organ of preſent power. Tho' the perſons of whom it was chiefly compoſed, ſeemed to enjoy great independance, they really poſſeſſed no true liberty; and the ſecurity of each individual among them, was not ſo much derived from the general protection of law, as from his own private power and that of his confederates. The authority of the monarch, tho' far from

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abſolute, was very irregular, and might often reach him: The current of a faction might overwhelm him: A hundred conſiderations, of benefits and injuries, friendſhips and animoſities, hopes and fears, were able to influence his conduct; and amidſt theſe motives a regard to equity and law and juſtice was commonly, in thoſe rude ages, of little moment. Nor did any man entertain thoughts of oppoſing preſent power, who did not deem himſelf ſtrong enough to diſpute the field with it by force, and was not prepared to give battle to the ſovereign or the ruling party.

BEFORE I conclude this reign, I cannot forbear making another remark drawn from the detail of loſſes given in by the elder Spenſer; particularly the great quantity of ſalt meat which he had in his larder, 600 bacons, 80 carcaſſes of beef, 600 muttons. We may obſerve that the outrage, of which he complains, began after the third of May, as we learn from the ſame paper. It is eaſy therefore to conjecture what a vaſt ſtore of the ſame kind he muſt have laid up at the beginning of winter; and we may draw a new concluſion with regard to the wretched ſtate of antient huſbandry, which could not provide any ſubſiſtance for the cattle during winter, even in ſuch a temperate climate as the ſouth of England: For Spenſer had but one manor ſo far north as Yorkſhire. There being few or no incloſures, except perhaps for deer, no ſown graſs, little hay, and no other reſources for feeding cattle; the barons, as well as the people, were obliged to kill and ſalt their oxen and ſheep at the beginning of winter, before they became lean upon the common paſture: A precaution ſtill practiſed with regard to oxen in the leaſt cultivated parts of this iſland. The ſalting of mutton is a miſerable expedient, which has every where been

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long diſuſed. From this circumſtance, however trivial in appearance, may be drawn very important inferences, with regard to the domeſtic œconomy and manner of life in thoſe ages.

THE diſorders of the times, from foreign wars and inteſtine diſſentions, but above all, the cruel famine, which obliged the nobility to diſmiſs many of their retainers, encreaſed the number of robbers in the kingdom; and no place was ſecure from their incurſions [m]. They met in troops like armies, and overran the country. Two cardinals, themſelves, the Pope's legates, notwithſtanding the numerous train, which attended them, were robbed, and deſpoiled of their goods and equipage, when they travelled on the road [n].

AMONG the other wild fancies of the age, it was imagined, that the perſons affected with leproſy, a diſeaſe at that time very common, had conſpired with the Saracens to poiſon all the ſprings and fountains; and men being glad of any pretence to get rid of thoſe who were a burthen to them, many of thoſe unhappy people were burnt alive for this chimerical imputation. Several Jews alſo were puniſhed in their perſons, and their goods confiſcated on the ſame account [o].

THIS King left four children, two ſons and two daughters: Edward, his eldeſt ſon and ſucceſſor; John, created afterwards earl of Cornwal, who died young at Perth; Jane, afterwards married to David Bruce, King of Scotland; and Eleanor, married to Reginald, count of Gueldres.

[m] Ypod. Neuſt. p. 502. Walſ. p. 107. [n] Ypod. Neuſt. p. 503. T. de la More, p. 594. Trivet, cont. p. 22. Murimuth, p. 51. [o] Ypod. Neuſt. p. 504.

STOWE,

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STOWE, in his Survey of London, gives us a curious inſtance of the ſplendor and hoſpitality of the antient nobility in this period: It is taken from the account of the cofferer or ſteward of Thomas earl of Leiceſter, and contains the expences of that earl for the year 1313. The pantry, buttery and kitchen, 3405 pounds. For 369 pipes of red wine, and two of white, 104 pounds, &c. The whole 7309 pounds; that is near 22000 pounds of our preſent money; and making allowance for the cheapneſs of commodities, near a hundred thouſand pounds.

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EDWARD III.

War with Scotland——Execution of the Earl of Kent——Execution of Mortimer, earl of March——State of Scotland——War with that kingdom——King's claim to the crown of France——Preparations for war with France——War——Naval victory——Domeſtic diſturbances——Affairs of Brittany——Renewal of the war with France——Invaſion of France——Battle of Crecy——War with Scotland——Captivity of the King of Scots——Calais taken.

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THE violent party, which had taken arms againſt Edward II. and finally depoſed that unhappy monarch, deemed it requiſite for their future ſecurity to pay ſo far an exterior obeiſance to the law, as to demand a parliamentary indemnity for all their illegal proceedings; on account of the neceſſity, which, it was pretended, they lay under, of employing force againſt the Spenſers and other evil counſellors, enemies of the kingdom. All the attainders alſo, which had paſſed againſt the earl of Lancaſter and his adherents, when the chance of war turned againſt them, were eaſily reverſed during the triumph of their party [a]; and the Spenſers, whoſe former attainder had been reverſed by parliament, were now again, in this change of fortune, condemned by the votes of their enemies. A council of regency was likewiſe appointed by parlia-

[a] Rymer, vol. iv. p. 245, 257, 258, &c.

ment,

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ment, conſiſting of twelve perſons; five prelates, the archbiſhops of Canterbury and York, the biſhops of Wincheſter, Worceſter, and Hereford; and ſeven lay peers, the earls of Norfolk, Kent and Surrey, and the lords Wake, Ingham, Piercy, and Roſs. The earl of Lancaſter was appointed guardian and protector of the King's perſon. But though it was reaſonable to expect, that, as the weakneſs of the former King had given reins to the licentiouſneſs of the barons, great tranquillity would not prevail during the preſent minority; the firſt diſturbance aroſe from the invaſion of foreign enemies.

War with Scotland.

THE King of Scots, declining in years and health, but retaining ſtill that martial ſpirit, which had raiſed his nation from the loweſt ebb of fortune, deemed the preſent opportunity favourable for infeſting England: He firſt made an attempt on the caſtle of Norham, in which he was diſappointed; he then collected an army of 25,000 men on the frontiers, and having appointed the earl of Murray and lord Douglas generals, threatened an incurſion into the northern counties. The Engliſh regency, after trying in vain every expedient to reſtore peace with Scotland, made vigorous preparations for war; and beſides aſſembling an Engliſh army of near ſixty thouſand men, they invited back John de Hainault, and ſome foreign cavalry, whom they had diſmiſſed, and whoſe diſcipline and arms had appeared ſuperior to thoſe of their own country. Young Edward himſelf, burning with a paſſion for military fame, appeared at the head of theſe numerous forces; and marched from Durham, the appointed place of rendezvous, in queſt of the enemy, who had already broken into the frontiers, and were laying every thing waſte around them.

MURRAY

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MURRAY and Douglas were the two moſt celebrated warriors, bred in the long hoſtilities between the Scots and Engliſh; and their forces, trained in the ſame ſchool, and enured to hardſhips, fatigues, and dangers, were perfectly qualified, by their habits and manner of life, for that deſultory and deſtructive war, which they carried on againſt the Engliſh. Except a body of about 4000 cavalry, well armed, and fit to make a ſteddy impreſſion in battle, the reſt of the army were light armed troops, mounted on ſmall horſes, which found ſubſiſtance every where, and carried them with rapid and unexpected marches, whether they meant to commit depredations on the peaceable inhabitants, or to attack an armed enemy, or to retreat into their own country. Their whole equipage conſiſted of a bag of oat meal, which, as a ſupply in caſe of neceſſity, each ſoldier carried behind him; together with a light plate of iron, on which he inſtantly baked the oat meal into a cake, in the open fields. But his chief ſubſiſtance was the cattle which he ſeized; and his cookery was as expeditious as all his other operations. After fleaing the animal, he placed the ſkin, looſe and hanging in the form of a bag, upon ſome ſtakes; he poured water into it, kindled a fire below, and thus made it ſerve as a cauldron for the boiling of his victuals [b].

THE chief difficulty, which Edward met with, after compoſing ſome dangerous frays, which broke out between his foreign forces and the Engliſh [c], was to come up with an army ſo rapid in their marches, and ſo little incumbered in their motions. Tho' the flame and ſmoke of burning villages directed him ſufficiently to the place of their encampment, he found upon hurrying thither, that they had already diſlodged;

[b] Froiſſart, liv. iv. chap. 18.

[c] Ibid. liv. i. chap. 17.

and

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and he ſoon diſcovered, by new marks of devaſtation, that they had removed to ſome diſtant quarter. After harraſſing his army during ſome time in this fruitleſs chace, he advanced northwards, and croſſed the Tyne, with a reſolution of awaiting them on their return homewards, and taking vengeance for all their depredations[d]. But that whole country was already ſo much waſted by their frequent incurſions, that it could not afford ſubſiſtance to his army; and he was obliged again to return ſouthwards, and change his plan of operations. He had now loſt all track of the enemy; and tho' he promiſed the reward of a hundred pounds a year to any one who ſhould bring him an account of their motions, he remained unactive ſome days, before he received any intelligence of them[e]. He found at laſt, that they had fixed their camp on the ſouthern banks of the Were, as if they intended to await a battle; but their prudent leaders had choſen the ground with ſuch judgment, that the Engliſh, on their approach, ſaw it impracticable, without temerity, to croſs the river in their face, and attack them in their preſent ſituation. Edward, impatient for revenge and glory, here ſent them a defiance, and challenged them, if they dared, to meet him in an equal field, and try the fortune of arms. The bold ſpirit of Douglas could ill brook this bravade, and he adviſed the acceptance of the challenge; but he was over-ruled by Murray, who replied to Edward, that he never took the counſel of an enemy in any of his operations. The King, therefore, kept ſtill his poſition oppoſite to them; and expected daily, that neceſſity would oblige them to change their quarters, and give him an opportunity of overwhelming them with ſuperior forces. After a few days, they ſuddenly

[d] Froiſſart, liv. iv. chap. 19.

[e] Rymer, vol. iv. p. 312. Froiſſart, liv. iv. chap. 19.

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decamped, and marched farther up the river; but ſtill poſted themſelves in ſuch a manner, as to preſerve the advantage of the ground, if the enemy ſhould venture to attack them [f]. Edward inſiſted, that all hazards ſhould be run, rather than allow theſe ravagers to eſcape with impunity; but Mortimer's authority prevented the aſſault, and oppoſed itſelf to the valour of the young monarch. While the armies lay in this poſition, an incident happened which had well nigh proved fatal to the Engliſh. Douglas, having got the word, and ſurveyed exactly the ſituation of the Engliſh camp, entered it ſecretly in the night time, with a body of two hundred determined ſoldiers, and advanced to the royal tent, with a view of killing or carrying off the prince, in the midſt of his army. But ſome of Edward's attendants, awaking in that critical moment, made reſiſtance; his chaplain and chamberlain ſacrificed their lives for his ſafety; the King himſelf, after making a valiant defence, eſcaped in the dark: And Douglas, having loſt the greateſt part of his followers, was glad to make a haſty retreat with the remainder [g]. Soon after, the Scottiſh army decamped without noiſe in the dead of night; and having thus got the ſtart of the Engliſh, arrived without farther loſs in their own country. Edward, on entering the place of the Scottiſh encampment, found only ſix Engliſhmen, whom the enemy, after breaking their legs, had tied to trees, in order to prevent their carrying any intelligence to their countrymen [h].

THE King was highly incenſed at the diſappointment, which he had met with, in his firſt enterprize, and at the head of ſo gallant an army. The ſymptoms, which he had diſcovered of

[f] Froiſſart, liv. iv. chap. 19. p. 509. Knyghton, p. 2552.

[g] Ibid. Hemingford, p. 268. Ypod. Neuſt.

[h] Froiſſart, liv. iv. chap. 19.

bravery and ſpirit, gave extreme ſatisfaction, and were regarded as ſure prognoſtics of an illuſtrious reign: But the general diſpleaſure fell violently on Mortimer, who was already the object of public odium: And every meaſure which he purſued, tended to aggravate, beyond all bounds, the hatred of the nation both againſt him and Queen Iſabella. CHAP. XV. 1327.

WHEN the council of regency was formed, Mortimer, though in the plenitude of his power, had taken no care to enſure a place in it; but this ſemblance of moderation was only a cover to the moſt exorbitant and moſt ambitious projects. He rendered that council entirely uſeleſs by uſurping to himſelf the whole ſovereign authority; he ſettled on the Queen-dowager the greater part of the royal revenues; he never conſulted either the princes of the blood or the nobility in any public meaſure; the King himſelf was ſo beſieged by his creatures, that no acceſs could be procured to him; and all the envy, which had attended Gavaſton and Spenſer, fell much more deſervedly on this new favourite.

MORTIMER, ſenſible of the growing hatred of the people, thought it requiſite, on any terms, to ſecure peace abroad; and he entered into a negociation with Robert Bruce for that purpoſe. As the claim of ſuperiority in England, more than any other cauſe, had tended to inflame the animoſities between the two nations, Mortimer conſented to reſign abſolutely this pretenſion, to give up all the homages done by the Scottiſh parliament and nobility, and to acknowledge Robert as ſovereign of Scotland [1]. In return for theſe advantages, Robert only ſtipulated the payment of 30,000 marks to England. This treaty 1328.

[1] Rymer, p. 337. Heming. p. 270. Anon. Hiſt. p. 392.

CHAP. XV. 1328.

was ratified by parliament [k]; but was nevertheleſs the ſource of great diſcontent among the people, who, having entered zealouſly into the pretenſions of Edward I. and deeming themſelves diſgraced by the ſucceſsful reſiſtance of ſo inferior a nation, were diſappointed by this treaty, in all future hopes both of conqueſt and of vengeance.

THE princes of the blood, Kent, Norfolk, and Lancaſter, were much united in their councils; and Mortimer entertained great ſuſpicions of their deſigns againſt him. In ſummoning them to parliament, he ſtrictly prohibited them, in the King's name, from coming attended with an armed force, an illegal but uſual practice in that age. The three earls, as they approached to Saliſbury, the place appointed for the meeting of parliament, found, that, tho' they themſelves, in obedience to the King's command, had brought only their uſual retinue with them, Mortimer and his party were attended with all their followers in arms; and they began with ſome reaſon to apprehend a dangerous deſign againſt their perſons. They therefore retreated, aſſembled their retainers, and were returning with an army to take vengeance on Mortimer; when the weakneſs of Kent and Norfolk, who deſerted the common cauſe, obliged Lancaſter alſo to make his ſubmiſſions [l]. The quarrel, by the interpoſition of the prelates, ſeemed for the preſent to be appeaſed.

1329. BUT Mortimer, in order to intimidate the princes, determined to have a victim; and the ſimplicity, with the good intentions of the earl of Kent, afforded him ſoon after an oppor-

[k] Ypod. Neuſt. p. 510. [l] Knyghton, p. 2554.

tunity

tunity of practiſing upon him. By himſelf and his emiſſaries, he endeavoured to perſuade that prince, that his brother, King Edward, was ſtill alive, and concealed in ſome ſecret priſon in England. The earl, whoſe remorſes for the part which he had acted againſt the late King, probably inclined him to give credit to this intelligence, entered into a deſign of reſtoring him to liberty, of re-inſtating him on the throne, and thereby of making ſome atonement for the injuries he had unwarily done him[m]. After this innocent contrivance had been allowed to proceed a certain length, the earl was ſeized by Mortimer, was accuſed before the parliament, and condemned by theſe ſlaviſh, tho' turbulent barons, to loſe his life and fortune. The queen and Mortimer, apprehenſive of young Edward's lenity towards his uncle, hurried on the execution, and the priſoner was beheaded next day; But ſo general was the affection borne him, and ſuch pity prevailed for his hard fate, that, tho' peers had been eaſily found, to condemn him, it was evening before his enemies could find an executioner to perform the office[n].

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1329.

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9th March. Execution of the earl of Kent.

THE earl of Lancaſter, on pretence of his aſſent to this conſpiracy, was ſoon after thrown into priſon: Many of the prelates and nobility were proſecuted: Mortimer employed this engine to cruſh all his enemies, and to enrich himſelf and his family by the forfeitures. The eſtate of the earl of Kent was ſeized for his younger ſon, Geoffrey: The immenſe fortunes of the Spenſers and their adherents were moſtly converted to his own uſe: He affected a ſtate and dignity equal or ſuperior to the royal: His power became formidable to every one: His illegal practices were daily complained of: And all parties,

[m] Aveſbury, p. 8. Anon. Hiſt. p. 395.
[n] Heming. p. 271. Ypod. Neuſt. p. 510. Knyghton, p. 2555.

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forgetting former animoſities, conſpired in their hatred of Mortimer.

It was impoſſible, that theſe abuſes could long eſcape the obſervation of a prince, endowed with ſo much ſpirit and judgement as young Edward, who being now in his eighteenth year, and feeling himſelf capable of government, repined at being held in fetters by this inſolent miniſter. But ſo much was he ſurrounded with the emiſſaries of Mortimer, that it behoved him to conduct the project for ſubverting him, with the ſame ſecrecy and precaution, as if he had been forming a conſpiracy againſt his ſovereign. He communicated his intentions to the lord Mountacute, who engaged the lords Molins and Clifford, ſir John Nevil of Hornby, ſir Edward Bohun, Ufford, and others, to enter into their views; and the caſtle of Nottingham was choſen for the ſcene of the enterprize. The Queen-dowager and Mortimer lodged in that fortreſs: The King alſo was admitted, tho' with a few only of his attendants: And as the caſtle was ſtrictly guarded, the gates locked every evening, and the keys carried to the Queen, it became neceſſary to communicate the deſign to ſir William Eland, the governor, who zealouſly took part in it. By his direction, the King's aſſociates were admitted thro' a ſubterraneous paſſage, which had been formerly contrived for a ſecret outlet to the caſtle, but was now buried in rubbiſh; and Mortimer, without having it in his power to make reſiſtance, was ſuddenly ſeized in an apartment adjoining to the Queen's *. A parliament was immediately called for his condemnation. He was accuſed before that aſſembly of having uſurped regal power from the council of

* Aveſbury, p. 9.

regency,

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regency, appointed by parliament; of having procured the death of the late King; of having deceived the earl of Kent into a conſpiracy to reſtore that prince; of having ſolicited and obtained exorbitant grants of the royal demeſnes; of having diſſipated the public treaſure; of ſecreting for his own uſe 20,000 marks of the money paid by the King of Scotland; and of other crimes and miſdemeanors[p]. The parliament condemned him, from the ſuppoſed notoriety of the facts, without trial, or hearing his anſwer, or examining a witneſs; and he was hanged on a gibbet at the Elmes, in the neighbourhood of London. It is remarkable, that this ſentence was near twenty years after reverſed by parliament, in favour of Mortimer's ſon; and the reaſon aſſigned was the illegal form of the proceedings[q]. The principles of law and juſtice were eſtabliſhed in England, not in ſuch a degree as to prevent any iniquitous ſentence againſt a perſon obnoxious to the ruling party; but ſufficient, on the return of his credit, or that of his friends, to ſerve as a reaſon or pretence for its reverſal.

Execution of Mortimer. 29th Nov.

JUSTICE was alſo executed by a ſentence of the houſe of peers, on ſome of the inferior criminals, particularly on Simon de Bereford: But the barons, in that act of juriſdiction, entered a proteſt, that, tho' they had tried Bereford, who was none of their peers, they ſhould not for the future be obliged to receive any ſuch indictment. The Queen was confined to her own houſe at Riſings near London: Her revenue was reduced to 4000 pounds a year[r]: And tho' the King, during the remainder of her life, paid her a decent viſit once or twice a year,

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[p] Brady's App. N°. 83. Anon. Hiſt. p. 397, 398. Knyghton, p. 2556.
[q] Cotton's Abridg. p. 85, 86. [r] Ibid. p. 10.

ſhe

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1331.

ſhe never was able to reinſtate herſelf in any credit or authority.

EDWARD, having now taken the reins of government into his own hands, applied himſelf, with induſtry and judgment, to redreſs all thoſe grievances, which had either proceeded from want of authority in the crown, or from the late abuſes of it. He iſſued writs to the judges, enjoining them to adminiſter juſtice, without paying any regard to arbitrary orders from the miniſters: And as the robbers, thieves, murderers, and criminals of all kinds, had, during the courſe of public convulſions, multiplied to an enormous degree, and were openly protected by the great barons, who made uſe of them againſt their enemies, the King, after exacting from the peers a ſolemn promiſe in parliament, that they would break off all connexions with ſuch malefactors[s], ſet himſelf in earneſt to remedy the evil. Many of theſe gangs had become ſo numerous, as to require his own preſence to diſſipate them; and he exerted both courage and induſtry in executing this ſalutary office. The miniſters of juſtice, from his example, employed the utmoſt diligence in diſcovering, purſuing, and puniſhing the criminals; and this diſorder was by degrees corrected, or at leaſt palliated; the utmoſt that could be expected with regard to a diſeaſe, inherent in the conſtitution.

IN proportion as the government acquired authority at home, it became formidable to the neighbouring nations; and the ambitious ſpirit of Edward ſought, and ſoon found, an opportunity of exerting itſelf. The wiſe and valiant Robert Bruce,

[s] Cotton's Abridg.

who

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1331. State of Scotland.

who had recovered by arms the independancy of his country, and had fixed it by the laſt treaty of peace with England, ſoon after died, and left David his ſon, a minor, under the guardianſhip of Randolf, earl of Murray, the companion of all his victories. It had been ſtipulated in this treaty, that both the Scottiſh nobility, who, before the commencement of the wars, enjoyed lands in England, and the Engliſh who inherited eſtates in Scotland, ſhould be reſtored to their ſeveral poſſeſſions[t]: But tho' this article had been executed pretty regularly on the part of Edward, Robert, who ſaw the eſtates claimed by Engliſhmen much more numerous and valuable than the other, either eſteemed it dangerous to admit ſo many ſecret enemies into the kingdom, or found it difficult to wreſt from his own followers the poſſeſſions beſtowed on them as the reward of their fatigues and dangers: And he had protracted the performance of his part of the ſtipulation. The Engliſh nobles, diſappointed in their expectations, began to think of a remedy; and as their influence was great in the north, their enmity alone, even tho' unſupported by the King of England, became dangerous to the minor prince, who ſucceeded to the Scottiſh throne.

EDWARD BALIOL, the ſon of that John, who was crowned King of Scotland, had been detained ſome time a priſoner in England after his father was releaſed; but having alſo obtained his liberty, he went over to France, and lived in Normandy, on his patrimonial eſtate in that country, without any thoughts of reviving the claims of his family upon the crown of Scotland. His pretenſions, however plauſible, had been ſo ſtrenuouſly abjured by the Scots, and rejected by the Engliſh, 1332.

[t] Rymer, vol. iv. p. 384.

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that he was univerſally regarded as a private perſon; and he had been thrown into priſon on account of ſome private offence againſt the laws, of which he was accuſed. The lord Beaumont, a great Engliſh baron, who in the right of his wife claimed the earldom of Buchan in Scotland [a], found him in this ſituation; and deeming him a proper inſtrument for his purpoſe, made ſuch intereſt with the King of France, who was not aware of the conſequences, that he recovered him his liberty, and brought him over with him into England.

The injured nobles, poſſeſſed of ſuch a head, began now to think of vindicating their rights by force of arms; and they applied to Edward for his concurrence and aſſiſtance. But there were ſeveral reaſons, which deterred the King from openly avowing their enterprize. In his treaty with Scotland, he had entered into a bond of 20,000 pounds, payable to the Pope, if within four years he violated the peace; and as the term was not yet elapſed, he dreaded the exacting of that penalty, by the ſovereign pontiff, who poſſeſſed ſo many means of forcing him to make payment. He was alſo afraid, that violence and injuſtice would every where be imputed to him, if he attacked with ſuch ſuperior force a minor King, and a brother-in-law, whoſe independant title had ſo lately been acknowledged by a ſolemn treaty. And as the regent of Scotland, on every demand which had been made, of reſtitution to the Engliſh barons, had always confeſſed the juſtice of their claim, and had only given an evaſive anſwer, grounded on plauſible pretences, Edward reſolved not to proceed to open violence, but to employ like artifices againſt him. He ſecretly encouraged Baliol in his enterprize; connived at his aſſembling forces in the north;

[a] Rymer, vol. iv. p. 251.

and

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and gave countenance to the nobles, who were diſpoſed to join in the attempt. A force of near 2500 men was inliſted under Baliol, by Umfreville earl of Angus, the lords Beaumont, Ferrars, Fitz-warin, Wake, Stafford, Talbot, and Moubray. And as theſe adventurers apprehended that the frontiers would be ſtrongly armed and guarded, they reſolved to make their attack by ſea; and having embarked at Ravenſpur, they reached in a few days the coaſt of Fife.

SCOTLAND was at preſent in a very different ſituation from that in which it had appeared under the victorious Robert. Beſides the loſs of that great monarch, whoſe genius and authority preſerved entire the whole political fabric, and maintained an union among the unruly barons, lord Douglas, impatient of reſt, had gone over to Spain in a cruſade againſt the Moors, and had there periſhed in battle [w]: The earl of Murray, who had been long declining in age and infirmities, had lately died, and had been ſucceeded in the regency by Donald earl of Marre, a man of much inferior talents: The military ſpirit of the Scots, tho' ſtill unbroken, was left without a proper guidance and direction. And a minor King ſeemed ill qualified to defend an inheritance, which it had required all the conſummate valour and abilities of his father to acquire and maintain. But as the Scots were apprized of the intended invaſion, great numbers, on the appearance of the Engliſh fleet, immediately ran to the ſhore, in order to prevent the landing of the enemy. Baliol had valour and activity, and he drove back the Scots with conſiderable loſs [x]. He marched weſtward into the heart of the country; flattering himſelf that the antient partizans of

[w] Froiſſart, liv. 1. chap. 21.

[x] Heming. p. 272. Walſing. p. 131. Knyghton, p. 2560.

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his family would declare for him. But the fierce animoſity, which had been kindled between the two nations, inſpiring the Scots with a ſtrong prejudice againſt a prince ſupported by the Engliſh, he was regarded as a common enemy; and the regent found no difficulty in aſſembling a great army to oppoſe him. It is pretended, that Marre had no leſs than 40,000 men under his ſtandard; but the ſame hurry and impatience, that made him collect a force, which from its greatneſs was ſo diſproportioned to the occaſion, rendered all his motions unſkilful and imprudent. The river Erne ran between the two armies; and the Scots, confiding in that ſecurity, as well as in their great ſuperiority of numbers, kept no order in their encampment. Baliol paſſed the river in the night time; attacked the unguarded and undiſciplined Scots; threw them into confuſion, which was encreaſed by the darkneſs and by their very numbers to which they truſted; and he beat them off the field with great ſlaughter [y]. But in the morning, when the Scots were at ſome diſtance, they were aſhamed of having yielded the victory to ſo weak a foe, and they hurried back to recover the honour of the day. Their eager paſſions carried them precipitately to battle, without regard to ſome broken ground, which lay between them and the enemy, and which diſordered and confounded their ranks. Baliol ſeized the favourable opportunity, advanced his troops upon them, prevented them from rallying, and chaced them anew off the field with redoubled ſlaughter. There fell above 12,000 Scots in this action; and among theſe the flower of their nobility; the regent himſelf, the earl of Carric, a natural ſon of their late King, the earls of Athole and Monteith, the lord Hay of Errol, conſtable, and the lords Keith and Lindſey. The loſs of the Engliſh ſcarce exceeded thirty

11th Aug.

[y] Knyghton, p. 2561.

men;

men; a ſtrong proof, among many others, of the miſerable ſtate of military diſcipline in thoſe ages [z]. CHAP. XV.

1332.

BALIOL ſoon after made himſelf maſter of Perth; but ſtill was not able to bring over any of the Scots to his party. Patric Dunbar, earl of March, and ſir Archibald Douglas, brother to the lord of that name, appeared at the head of the Scottiſh armies, which amounted ſtill to near 40,000 men; and they propoſed to reduce Baliol and the Engliſh by famine. They inveſted Perth by land; they collected ſome veſſels with which they blockaded it by water: But Baliol's ſhips attacking the Scottiſh fleet, gained a compleat victory; and opened the communication between Perth and the ſea [a]. It then behoved the Scots armies to diſperſe themſelves for want of pay and ſubſiſtance: The nation was in effect ſubdued by a handful of men: Each nobleman, who found himſelf moſt expoſed to danger, ſucceſſively ſubmitted to Baliol: That prince was crowned King at Scone: David, his competitor, was ſent over to France with his betrothed wife, Jane, ſiſter to Edward: And the heads of his party ſued to Baliol for a truce, which he granted them, in order to aſſemble a parliament in tranquillity, and have his title recognized by the whole Scottiſh nation. 27th Sept.

BUT Baliol's imprudence or his neceſſities making him diſmiſs the greateſt part of his Engliſh followers, he was, notwithſtanding the truce, attacked of a ſudden near Annan by ſir Archibald Douglas, and other chieftains of that party; he was routed; his brother John Baliol was ſlain; he himſelf was chaced into England in a miſerable condition; and thus loſt his 1333.

[z] Heming. p. 273. Walſingham, p. 131. Knyghton, p. 2561.
[a] Heming. p. 273. Knyghton, p. 2561.

kingdom

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kingdom by a revolution as quick as that by which he had acquired it.

WHILE Baliol enjoyed his ſhort-lived and precarious royalty, he had been ſenſible, that without the protection of England, it would be impoſſible for him to maintain poſſeſſion of the throne; and he had ſecretly ſent a meſſage to Edward, offering to acknowledge his ſuperiority, to renew the homage for his crown, and to eſpouſe the princeſs Jane, if the Pope's conſent could be obtained, for diſſolving her former marriage, which was not yet conſummated. Edward, ambitious of recovering that important ſacrifice, made by Mortimer during his minority, threw off all ſcruples, and willingly accepted the offer; but as the dethronement of Baliol had rendered this conceſſion of no effect, the King prepared to re-inſtate him in poſſeſſion of the crown; an enterprize, which appeared from late experience ſo eaſy and ſo little hazardous. As he poſſeſſed many popular arts, he conſulted his parliament on this occaſion; but that aſſembly, finding the reſolution already taken, declined giving any opinion, and only ſupplied him, in order to ſupport the enterprize, with an aid of a fifteenth, from the perſonal eſtates of the nobility and gentry, and a tenth of the moveables of boroughs. And they added a petition, that the King would thenceforth live of his own, without grieving his ſubjects by illegal taxes, or by the outrageous ſeizure of their goods in the ſhape of purveyance [b].

War with Scotland.

As the Scots expected, that the chief brunt of the war would fall upon Berwic, Douglas, the regent, threw a ſtrong garriſon into that place under the command of Sir William Keith, and

[b] Cotton's Abridgm.

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he himſelf aſſembled a great army on the frontiers, ready to penetrate into England, ſo ſoon as Edward ſhould have inveſted that fortreſs. The Engliſh army was leſs numerous; but better ſupplied with arms and proviſions, and retained in ſtricter diſcipline; and the King, notwithſtanding the valiant defence of Keith, had in two months reduced the garriſon to extremity, and had obliged them to capitulate: They engaged to ſurrender the place, if they were not relieved within a few days by their countrymen [c]. This intelligence, being conveyed to the Scottiſh army, which was preparing to invade Northumberland, changed their whole plan of operations, and engaged them to advance towards Berwic, and attempt the relief of that important place. Douglas, who had ever propoſed to decline a pitched battle, in which he was ſenſible of the enemy's ſuperiority, and who intended to have drawn out the war by ſmall ſkirmiſhes, and by mutually ravaging each others country, was forced, by the impatience of his troops, to put the whole fate of the kingdom upon the event of one day. He attacked the Engliſh at Halidown-hill, a little north of Berwic; and tho' the Scottiſh *Gens d' armes* diſmounted from their horſes, in order to render the action more ſteady and deſperate, they were received with ſuch valour by Edward, and were ſo galled by the Engliſh archers, that they were ſoon thrown into diſorder, and on the fall of Douglas, their general, were put to abſolute rout. The whole army fled in confuſion, and the Engliſh, but much more the Iriſh, gave little quarter in the purſuit: All the nobles of chief diſtinction were either ſlain or taken priſoners: Near thirty thouſand of the Scots fell in the action: While the loſs of the Engliſh amounted only to one knight, one

19th July.

[c] Rymer, vol. iv. p. 564, 565, 566.

eſquire,

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1333. eſquire, and thirteen private ſoldiers: An inequality almoſt incredible [d].

AFTER this fatal blow, the Scottiſh nobles had no other reſource but inſtant ſubmiſſion; and Edward, leaving a conſiderable body with Baliol to compleat the conqueſt of the kingdom, returned with the remainder of his army into England. Baliol was acknowledged King by a parliament aſſembled at Edinburgh [e]; the ſuperiority of England was again recognized; many of the Scots nobility ſwore fealty to Edward; and to compleat the misfortunes of that nation, Baliol ceded Berwic, Dunbar, Roxborough, Edinburgh, and all the ſouth-eaſt counties of Scotland, which were declared to be for ever annexed to the Engliſh monarchy [f].

1334. IF Baliol, on his firſt appearance, was dreaded by the Scots, as an inſtrument employed by England for the ſubjection of the kingdom, this deed confirmed all their ſuſpicions, and rendered him the object of univerſal hatred. Whatever ſubmiſſions they might be obliged to make, they conſidered him, not as their prince, but as the delegate and confederate of their determined enemy; and neither the manners of the age, nor the ſtate of Edward's revenue permitting him to maintain a conſtant ſtanding army in Scotland, the Engliſh forces were no ſooner withdrawn, than the Scots revolted againſt Baliol, and returned to their former allegiance under Bruce. Sir Andrew Murray, appointed regent by the party of this latter prince, employed with ſucceſs his valour and activity in many ſmall but deciſive actions againſt Baliol; and in a ſhort time had

[d] Heming. p. 275, 276, 277. Knyghton, p. 2559. Otterborne, p. 115.
[e] Rymer, vol. iv. p. 590. [f] Ibid. p. 614.

almoſt

almoſt wholly expelled him the kingdom. Edward was obliged again to aſſemble an army and to march into Scotland: The Scots, taught by experience, withdrew into their hills and faſtneſſes: He deſtroyed the houſes, and ravaged the eſtates of thoſe whom he called rebels: But this confirmed them ſtill farther in their obſtinate antipathy to England and to Baliol; and being now rendered deſperate, they were ready to take advantage, on the firſt opportunity, of the retreat of their enemy, and they ſoon re-conquered their country from the Engliſh. Edward made anew his appearance in Scotland with like ſucceſs: He found every thing hoſtile in the kingdom, except the ſpot on which he was encamped: And tho' he marched uncontrouled over the low countries, the nation itſelf was farther than ever from being broken and ſubdued. Beſides being ſupported by their pride and anger, paſſions difficult to tame, they were encouraged, amidſt all their calamities, by daily promiſes of relief from France; and as a war was now likely to break out between that kingdom and England, they had reaſon to expect from this incident a great diverſion of that force, which had ſo long oppreſſed and overwhelmed them.

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1335.

1336.

1337. King's claim to the crown of France.

We now come to a tranſaction, on which depended the moſt memorable events, not only of this long and active reign, but of the whole Engliſh and French hiſtory, during more than a century; and it will therefore be neceſſary to give a particular account of the ſprings and cauſes of it. It had long been a prevailing opinion, that the crown of France could never deſcend to females; and as nations, in accounting for principles, which they regard as fundamental and as peculiar to themſelves, are fond of grounding them rather on primary laws, than on blind cuſtom, it had been uſual to derive this maxim

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from a clauſe in the Salian Code, the law of an antient tribe among the Franks; tho' that clauſe, when ſtrictly examined, carries only the appearance of favouring this principle, and does not really, by the confeſſion of the beſt critics, bear the ſenſe commonly impoſed upon it. But tho' poſitive law ſeems wanting among the French for the excluſion of females, the practice had prevailed; and the rule was eſtabliſhed beyond controverſy on ſome antient as well as ſome modern precedents. During the firſt race of the monarchy, the Franks were ſo rude and barbarous a people, that they were incapable of ſubmitting to a female reign; and in that period of their hiſtory, there were frequent inſtances of kings advanced to royalty in prejudice of females, who were related to the crown by nearer degrees of conſanguinity. Theſe precedents, joined to like cauſes, had alſo eſtabliſhed the male ſucceſſion in the ſecond race; and tho' the inſtances were neither ſo frequent nor ſo certain during that period, the principle of excluding the female line ſeems ſtill to have prevailed, and to have directed the conduct of the nation. During the third race, the crown had deſcended from father to ſon for eleven generations, from Hugh Capet to Lewis Hutin; and thus, in fact, during the courſe of nine hundred years, the French monarchy had always been governed by males, and no female and none deſcended from females had ever mounted the throne. Philip the Fair, father of Lewis Hutin, left three ſons, this Lewis, Philip the Long, and Charles the Fair, and one daughter, Iſabella, Queen of England. Lewis Hutin, the eldeſt, left at his death one daughter, by Margaret ſiſter to Eudes, duke of Burgundy; and as his queen was then pregnant, Philip, his younger brother, was appointed regent, till it ſhould appear whether the child proved a ſon or a daughter. She bore a male, who lived

only a few days; Philip was proclaimed King: And as the duke of Burgundy made ſome oppoſition, and aſſerted the rights of his niece, the ſtates of the kingdom, by a ſolemn and deliberate decree, gave her the excluſion, and declared all females for ever incapable of ſucceeding to the crown of France. Philip died after a ſhort reign, leaving three daughters; and his brother, Charles, without diſpute or controverſy, then ſucceeded to the crown. The reign of Charles was alſo ſhort: He left one daughter; but as his Queen was pregnant, the next male heir was appointed regent, with a declared right of ſucceſſion, if the iſſue ſhould prove female. This prince was Philip de Valois, couſin german to the deceaſed King; being the ſon of Charles de Valois, brother of Philip the Fair. The Queen of France was delivered of a daughter: The regency ended; and Philip de Valois was unanimouſly placed on the throne of France.

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THE King of England, who was at that time a youth of fifteen years of age, embraced a notion, that he was intitled, in right of his mother, to the ſucceſſion of the kingdom, and that the claim of the nephew was preferable to that of the couſin german. There could not well be conceived a notion weaker or worſe grounded. The principle of excluding females was of old an eſtabliſhed opinion in France, and had acquired equal authority with the moſt expreſs and poſitive law: It was ſupported by antient precedents: It was confirmed by recent inſtances, ſolemnly and deliberately decided: And what placed it ſtill farther beyond controverſy; if Edward was diſpoſed to queſtion its validity, he thereby cut off his own pretenſions; ſince the three laſt Kings had all left daughters, who were ſtill alive, and who ſtood before him in the order of ſucceſſion. He

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was therefore reduced to aſſert, that, tho' his mother, Iſabella, was, on account of her ſex, incapable of ſucceeding, he himſelf, who inherited thro' her, was liable to no ſuch objection, and might claim by the right of propinquity. But, beſides that this pretenſion was more favourable to Charles, King of Navarre, deſcended from the daughter of Lewis Hutin, it was ſo contrary to the eſtabliſhed principles of ſucceſſion in every country of Europe[g], was ſo repugnant to the practice both in private and public inheritances, that no body in France thought of Edward's right: Philip's title was univerſally recognized and acknowledged[h]: And he never imagined, that he had a competitor; much leſs, ſo formidable a one as the King of England.

But tho' the youthful and ambitious mind of Edward had raſhly entertained this notion, he did not think proper to inſiſt on his pretenſions, which muſt have immediately involved him, on very unequal terms, in a dangerous and implacable war with ſo powerful a monarch. Philip was a prince of mature years, of great experience, and at that time of an eſtabliſhed character both for prudence and valour; and by theſe circumſtances, as well as by the union of his people, and their acquieſcence in his undoubted right, he poſſeſſed every advantage over a raw youth, newly raiſed, by injuſtice and violence, to the government of the moſt intractable and moſt turbulent ſubjects in Europe. But there immediately occurred an incident, which required, that Edward ſhould either openly declare his pretenſions, or for ever renounce and abjure them. He was ſummoned to do homage for Guienne: Philip was preparing to compel him by force of arms: That country was in a very bad ſtate of defence: And the forfeiture of ſo rich an inheritance

[g] Froiſſart, liv. 1. chap. 4. [h] Ibid. chap. 22.

was,

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was, by the feudal law, the immediate conſequence of his refuſing or declining to perform the duty of a vaſſal. Edward therefore thought it prudent to ſubmit to preſent neceſſity: He went over to Amiens: Did homage to Philip: And as there had ariſen ſome controverſy concerning the terms of this ſubmiſſion, he afterwards ſent over a formal deed, in which he acknowledged that he owed liege homage to France [i]; which was in effect ratifying, and that in the ſtrongeſt terms, Philip's title to the crown of that kingdom. His own claim indeed was ſo unreaſonable, and ſo thoroughly diſavowed by the whole French nation, that to inſiſt on it was no better than to pretend to the entire conqueſt of the kingdom; and it is probable that he would never have farther thought of it, had it not been for ſome incidents, which excited an animoſity between the two monarchs.

ROBERT D'ARTOIS was deſcended of the royal blood of France, was a man of great character and authority, had eſpouſed Philip's ſiſter, and by his birth, talents, and credit was entitled to make the higheſt figure, and fill the moſt important offices, in the monarchy. This prince had loſt the county of Artois, which he claimed as his birthright, by a ſentence, commonly deemed iniquitous, of Philip the Fair; and he was ſeduced to attempt recovering poſſeſſion by an action, ſo unworthy of his rank and character as a forgery [k]. The detection of this crime covered him with ſhame and confuſion: His brother-in-law not only abandoned him, but proſecuted him with violence: Robert, incapable of bearing diſgrace, left the kingdom, and hid himſelf in the Low Countries: Being chaced from that

[i] Rymer, vol. iv. p. 477, 481. Froiſſart, liv. 1. chap. 25. Anon. Hiſt p. 394. Walſingham, p. 130. Murimuth, p. 73.

[k] Froiſſart, liv. 1. chap. 29.

retreat,

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retreat, by the authority of Philip, he came over to England; in ſpite of the French King's menaces and remonſtrances, he was favourably received by Edward[1]; and was ſoon admitted into the councils and ſhared the confidence of that monarch. Abandoning himſelf to all the movements of rage and deſpair, he endeavoured to revive the prepoſſeſſions entertained by Edward in favour of his title to the crown of France, and even flattered him, that it was not impoſſible for a prince of his valour and abilities, to render his claim effectual. The King was the more diſpoſed to hearken to ſuggeſtions of this nature, becauſe he had, in ſeveral particulars, complaints againſt Philip's conduct with regard to Guienne, and becauſe that prince had both given protection to the exiled David Bruce, and ſupported, or at leaſt encouraged the Scots in their ſtruggles for independancy. Thus reſentment gradually filled the breaſts of both the monarchs, and made them incapable of hearkening to any terms of accommodation, propoſed by the Pope, who never ceaſed interpoſing his good offices between them. Philip thought, that he would be wanting to the firſt principles of policy, if he abandoned Scotland: Edward pretended, that he muſt relinquiſh all pretenſions to generoſity, if he withdrew his protection from Robert. The former, informed of ſome preparations for hoſtilities, which had been made by his rival, iſſued a ſentence of felony and forfeiture againſt Robert, and declared, that every vaſſal of the crown, whether *within* or *without* the kingdom, who gave countenance to that traitor, was involved in the ſame ſentence; a menace eaſy to be underſtood: The latter, reſolute not to yield, endeavoured to form alliances in the Low Countries and on the frontiers of Germany, the only places from which he either could make an effectual

[1] Rymer, vol. iv. p. 747. Froiſſart, liv. 1. chap. 27.

attack

attack upon France, or produce ſuch a diverſion as might ſave the province of Guienne, which lay ſo much expoſed to the power of Philip.

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Preparations for war with France.

THE King began with opening his intentions to the count of Hainault, his father-in-law; and having engaged him in his intereſts, he employed the good offices and councils of that prince in drawing into his alliance the other ſovereigns of that neighbourhood. The duke of Brabant was induced, by his mediation, and by large remittances of money from England, to promiſe his concurrence[m]: The archbiſhop of Cologn, the duke of Guelders, the marquis of Juliers, the count of Namur, the lords of Fauquemont and Baquen, were engaged by like motives to embrace the Engliſh alliance[n]. Theſe ſovereigns could ſupply, either from their own ſtates or from the bordering countries, great numbers of warlike troops; and nought was wanting to make the force on that quarter very formidable but the acceſſion of Flanders; which Edward procured by means ſomewhat extraordinary and unuſual.

As the Flemings were the firſt people in the northern parts of Europe, who cultivated arts and manufactures, the lower ranks of men in that province had riſen to a degree of riches unknown elſewhere to thoſe of their ſtation in that barbarous age, had acquired privileges and independance, and began to emerge from that ſtate of vaſſalage, or rather of ſlavery, into which the common people had been univerſally thrown by the feudal inſtitutions. It was probably difficult for them to bring their ſovereign and their nobility to conform themſelves to the

[m] Rymer, vol. iv. p. 777.

[n] Froiſſart, liv. 4. chap. 29, 33, 36.

principles

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principles of law and civil government, ſo much neglected in every other country: It was impoſſible for them to confine themſelves within the proper bounds in their oppoſition and reſentment againſt any inſtance of tyranny: They had riſen in tumults: Had inſulted the nobles: Had chaced their earl into France: And delivering themſelves over to the guidance of a ſeditious leader, had practiſed all thoſe inſolences, and diſorders, which the thoughtleſs and enraged populace are ſo much inclined to commit, wherever they are unfortunate enough to be their own maſters [o].

THEIR preſent leader was James d'Arteville, a brewer in Ghent, who governed them with a more abſolute ſway than ever had been aſſumed by any of their lawful ſovereigns: He placed and diſplaced the magiſtrates at pleaſure: He was accompanied with a guard, who on the leaſt ſignal from him, inſtantly aſſaſſinated any man that happened to fall under his diſpleaſure: All the cities of Flanders were full of his ſpies; and it was immediate death to give him the ſmalleſt umbrage: The few nobles, who remained in the country, lived in continual terror of his violence: He ſeized the eſtates of all thoſe whom he had either baniſhed or murdered; and beſtowing a part on their wives and children, converted the remainder to his own uſe [p]. Such were the firſt effects, which Europe ſaw, of popular violence; after having groaned, during ſo many ages, under monarchical and ariſtocratical tyranny.]

JAMES D'ARTEVILLE was the man, to whom Edward applied himſelf for bringing over the Flemings to his intereſts;

[o] Froiſſart, liv. 1, chap. 30. Meyerus.

[p] Froiſſart, liv. 1. chap. 30.

and

and that prince, the moſt haughty and moſt aſpiring of his age, never courted any ally with ſo much aſſiduity and ſo many ſubmiſſions, as he employed towards this ſeditious and criminal mechanic. D'Arteville, proud of theſe advances from the King of England, and ſenſible, that the Flemings were naturally inclined to maintain connexions with the Engliſh, who furniſhed them the materials of their woollen manufactures, the chief ſource of their opulence, readily embraced the intereſts of Edward, and invited him over into the Low Countries. Edward, before he entered on this great enterprize, affected to conſult his parliament, aſked their advice, and obtained their conſent [p]. And the more to ſtrengthen his hands, he procured from them a grant of 20,000 ſacks of wool; which might amount to above a hundred thouſand pounds: This wool was a good inſtrument to employ with the Flemings; and the price of it with his German allies. He compleated the other neceſſary ſums by loans, by pawning the crown jewels, by confiſcating or rather robbing at once all the Lombards, who now exerciſed the invidious trade, formerly monopolized by the Jews, of lending on intereſt [q]; and being attended with a body of Engliſh forces, and with ſeveral of his nobility, he ſailed over into Flanders.

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THE German princes, in order to juſtify their unprovoked hoſtilities againſt France, had required the ſanction of ſome legal authority; and Edward, that he might give them ſatisfaction on this head, had applied to Lewis of Bavaria, then emperor, and had been created by him *vicar of the empire*; an empty title, but which ſeemed to give him a right of command-

1338.

[p] Cotton's Abridg.

[q] Dugd. Baron. vol. ii. p. 146.

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ing the ſervice of the princes of Germany [r]. The Flemings, who were vaſſals of France, pretending like ſcruples with regard to the invaſion of their liege lord; Edward, by the advice of d'Arteville, aſſumed, in his commiſſions, the title of King of France, and, by virtue of this right, challenged their aſſiſtance for dethroning Philip de Valois, the uſurper of his kingdom [s]. This ſtep, which, he feared, would deſtroy all future amity between the kingdoms, and beget endleſs and implacable jealouſies in France, was not taken by him without much reluctance and heſitation: And as it was not in itſelf very juſtifiable, it was in the iſſue attended with many miſeries to both nations. From this period we may date the commencement of that great animoſity, which the Engliſh have ever ſince born to the French, which has ſo viſible an influence on all future tranſactions, and which has been, and continues to be the ſpring of many raſh and precipitate reſolutions among them. In all the preceding reigns ſince the conqueſt, the hoſtilities between the two crowns had been only caſual and temporary; and never being attended with any bloody or dangerous event, the traces of them were eaſily obliterated by the firſt treaty of pacification. The Engliſh nobility and gentry valued themſelves on their French or Norman extraction: They affected to employ the language of that country in all public tranſactions, and even in familiar converſation: And as both the Engliſh court and camp were always full of nobles, who came from ſome province or other of France, the two people were during ſeveral centuries more intermingled together than any two diſtinct nations, whom we meet with in hiſtory. But the fatal pretenſions of Edward III. diſſolved all theſe connexions, and left the ſeeds of great animoſity in both countries, eſpecially among the Engliſh. For it

[r] Froiſſart, liv. 1, chap. 35. [s] Heming. p. 303. Walſingham, p. 143.

is remarkable, that this latter nation, tho' they were commonly the aggreſſors, and by their ſucceſs and ſituation were enabled to commit the moſt cruel injuries on the other, have always retained a ſtronger tincture of national antipathy; nor is their hatred retaliated on them to an equal degree by the French. That country lies in the middle of Europe, has been ſucceſſively engaged in hoſtilities with all its neighbours, the popular prejudices have been diverted into many channels, and, among a people of ſofter manners, they never roſe to a great height againſt any particular nation. CHAP. XV. 1338.

PHILIP made great preparations againſt the attack of the Engliſh, and ſuch as ſeemed more than ſufficient to ſecure him from the danger. Beſides the concurrence of all the nobility in his own populous and warlike kingdom, his foreign alliances were both more cordial and powerful than thoſe which were formed by his antagoniſt. The Pope, who, at this time, lived in Avignon, was dependant on France, and being diſguſted at the connexions between Edward and Lewis of Bavaria, whom he had excommunicated, he embraced with zeal and ſincerity the cauſe of the French monarch. The King of Navarre, the duke of Brittany, the count of Bar were in the ſame intereſts; and on the ſide of Germany, the King of Bohemia, the palatine, the dukes of Lorraine and Auſtria, the biſhop of Liege, the counts of Deuxpont, Vaudemont, and Geneva. The allies of Edward were in themſelves weaker; and having no other object, but his money, which began to be exhauſted, they were very ſlow in their motions and very irreſolute in their meaſures. The duke of Brabant, the moſt powerful among them, ſeemed even inclined to withdraw himſelf wholly from the alliance; and the King was neceſſitated, both to give the Brabanters new 1339.

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privileges in trade, and to contract his ſon Edward with the daughter of that prince, ere he could bring him to fulfil his engagements. The ſummer was waſted in conferences and negotiations before Edward could lead his armies into the field; and he was obliged, in order to allure his German allies into his meaſures, to pretend that the firſt attack ſhould be made upon Cambray, a city of the empire which had been garriſoned by Philip [t]. But finding by a nearer inſpection the difficulty of the enterprize, he conducted them towards the frontiers of France; and he there found, by a ſenſible proof, the vanity of his expectations: The count of Namur, and even the count of Hainault, his brother-in-law (for the old count was dead) refuſed to commence hoſtilities againſt their liege lord, and retired with their troops [u]. So little account did they make of Edward's pretenſions to the crown of France!

War with France.

THE King however entered the enemy's country, and encamped on the fields of Vironfoſſe near Capelle, with an army of near 50,000 men, compoſed almoſt entirely of foreigners. Philip came within ſight of him with an army of near double the force, compoſed chiefly of native ſubjects; and it was daily expected that a battle ſhould enſue. But the Engliſh monarch was averſe to engage againſt ſo great a ſuperiority: The French thought it ſufficient if he eluded the attacks of his enemy, without running any unneceſſary hazard. The two armies faced one another for ſome days: Mutual defiances was ſent: And Edward, at laſt, retired into Flanders, and diſperſed his army [w].

[t] Froiſſart, liv. 1. chap. 39. Heming. p. 305. [u] Froiſſart, liv. 1. chap. 39.
[w] Froiſſart, liv. 1. chap. 41, 42, 43. Heming. p. 307. Walſing. p. 143.

SUCH

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SUCH was the fruitleſs and almoſt ridiculous concluſion of all Edward's mighty preparations; and as his meaſures were the moſt prudent, that could be embraced in his ſituation, he might learn from experience in what a hopeleſs enterprize he was engaged. His expences, though they had led to no end, had been conſuming and deſtructive: He had contracted near 300,000 pounds of debt [x]; he had anticipated all his revenue; he had pawned every thing of value, which belonged either to himſelf or his queen; he was obliged in ſome meaſure even to pawn himſelf to his creditors, by deſiring their permiſſion to go over to England, in order to procure ſupply, and by promiſing on his word of honour to return in perſon, if he did not remit their money.

BUT he was a prince of too much ſpirit to be diſcouraged by the firſt difficulties of an undertaking; and he was anxious to retrieve his honour by more ſucceſsful and more gallant enterprizes. For this purpoſe, he had, during the courſe of the campaign, ſent orders to ſummon a parliament by his ſon Edward, whom he had left with the title of guardian, and to demand ſome ſupply in his urgent neceſſities. The barons ſeemed inclined to grant his requeſt; but the knights, who often, at this time, acted as a ſeparate body from the burgeſſes, made ſome ſcruple of taxing their conſtituents, without their conſent; and they deſired the guardian to ſummon a new parliament, who might be properly empowered for that purpoſe. The ſituation of the King and parliament was, for the time, nearly ſimilar to that which they conſtantly fell into about the beginning of the laſt century; and ſimilar conſequences began viſibly

[x] Cotton's Abridg. p. 17.

to

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to appear. The King, ſenſible of the frequent demands which he would be obliged to make on his people, had been anxious to enſure to his friends a ſeat in the houſe of commons, and at his inſtigation, the ſheriffs and other placemen had made intereſt to be elected into that aſſembly; an abuſe which the knights deſired the King to correct by the tenor of his writ of ſummons, and which was accordingly remedied. On the other hand, the knights profeſſedly annexed conditions to their intended grant, and required a conſiderable retrenchment of the royal prerogatives, particularly with regard to purveyance, and the levying of the antient feudal aids for knighting the King's eldeſt ſon, and marrying his eldeſt daughter. The new parliament, called by the guardian, retained the ſame free ſpirit; and tho' they offered a large ſupply of 30,000 ſacks of wool, no buſineſs was concluded; becauſe the conditions, which they annexed, appeared too high to be compenſated by a temporary conceſſion. But when Edward himſelf came over to England, he ſummoned another parliament, and he had the intereſt to procure a ſupply on more moderate terms. A confirmation of the two charters and of the privileges of boroughs, a pardon for old debts and treſpaſſes, and a remedy for ſome abuſes in the execution of common law, were the chief conditions inſiſted on; and the King, in return for his conceſſions on theſe heads, obtained from the barons and knights an unuſual grant for two years of the ninth ſheaf, lamb, and fleece on their eſtates, and from the burgeſſes, a ninth of their moveables at their true value. The whole parliament alſo granted a duty of forty ſhillings on each ſack of wool exported, on each three hundred wool-fells, and on each laſt of leather for the ſame term of years; but dreading the arbitrary ſpirit of the crown, they expreſsly declared, that this grant was to continue no longer, and was not to be drawn into

into precedent. Being ſoon after ſenſible, that this ſupply, tho' conſiderable and very unuſual in that age, would come in ſlowly, and would not anſwer the King's urgent neceſſities, both from his paſt debts, and his preparations for war; they agreed, that 20,000 ſacks of wool ſhould immediately be granted him, and their value be deducted from the ninths, which were afterwards to be levied. CHAP. XV. 1339.

BUT there appeared, at this time, another jealouſy in the parliament, which was very reaſonable, and was founded on a ſentiment that ought to have engaged them rather to check than ſupport the King in all thoſe ambitious projects, ſo little likely to prove ſucceſsful, and ſo dangerous to the nation, if they did. Edward, who, before the commencement of the former campaign, had, in ſeveral commiſſions, aſſumed the title of King of France, now more openly, in all public deeds, gave himſelf that appellation, and always quartered the arms of France with thoſe of England in his ſeals and enſigns. The parliament thought proper to obviate the conſequences of this meaſure, and to declare, that they owed him no obedience as King of France, and that the two kingdoms muſt forever remain diſtinct and independant[y]. They undoubtedly foreſaw, that France, if ſubdued, would in the end prove the ſeat of government; and they deemed this previous proteſtation neceſſary, in order to prevent their becoming a province under that monarchy. A very frail ſecurity, if the event had really taken place!

As Philip was apprized, from the preparations, which were making both in England and the Low Countries, that he muſt 1340.

[y] 14 Edward III.

expect

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expect another invaſion from Edward, he fitted out a great fleet of 400 veſſels, manned with 40,000 men; and he ſtationed them off Sluiſe, with a view of intercepting the King in his paſſage. The Engliſh navy was much inferior in number, conſiſting only of 240 ſhips; but whether it was by the ſuperior abilities of Edward, or the greater dexterity of his ſeamen, they gained the wind of the enemy, and had the ſun in their backs; and with theſe advantages began the action. The battle was fierce and bloody: The Engliſh archers, whoſe force and addreſs were now much celebrated, galled the French on their approach: And when the ſhips grappled together, and the conteſt became more ſteady and furious, the example of the King, and of ſo many gallant nobles, who accompanied him, animated to ſuch a degree the ſeamen and ſoldiery, that they maintained every where a ſuperiority over the enemy. The French alſo had been guilty of ſome imprudence in taking their ſtation ſo near the coaſt of Flanders, and chooſing that place for the ſcene of action. The Flemings, deſcrying the battle, hurried out of their ports, and brought a re-inforcement to the Engliſh; which, coming unexpectedly, had a greater effect than in proportion to its power and numbers. Two hundred and thirty French ſhips were taken: Thirty thouſand Frenchmen were killed, with two of their admirals: The loſs of the Engliſh was inconſiderable, compared to the greatneſs and importance of the victory [z]. None of Philip's courtiers, it is ſaid, dared to inform him of the event; till his fool or jeſter gave him a hint, by which he diſcovered the loſs that he had ſuſtained [a].

THE luſtre of this great ſucceſs added to the King's authority among his allies, who aſſembled their forces with expedition,

[z] Froiſſart, liv. 1. chap. 51. Aveſbury, p. 56. Heming. p. 321.
[a] Walſing. p. 148.

and

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and joined the Engliſh army. Edward marched to the frontiers of France at the head of above 100,000 men, conſiſting chiefly of foreigners, a more numerous army than, either before or ſince, has ever been commanded by any King of England [b]. At the ſame time, the Flemings, to the number of 50,000 men, marched out under the command of Robert d'Artois, and laid ſiege to St. Omer; but this tumultuary force, compoſed entirely of tradeſmen, unexperienced in war, was routed by a ſally of the garriſon, and notwithſtanding the abilities of their leader, was thrown into ſuch a panic, that they were inſtantly diſperſed, and never after appeared in the field. The enterprizes of Edward, tho' not attended with ſo inglorious an iſſue, proved equally vain and fruitleſs. The King of France had aſſembled an army more numerous than the Engliſh; was accompanied with all the chief nobility of his kingdom; was attended by many foreign princes, and even by three monarchs, the Kings of Bohemia, Scotland and Navarre [c]: Yet he ſtill adhered to the prudent reſolution of putting nothing to hazard, and after throwing ſtrong garriſons into all the frontier towns, he retired backwards, perſuaded, that the enemy, having waſted their force in ſome tedious and unſucceſsful enterprize, would afford him an eaſy victory.

TOURNAY was at that time one of the moſt conſiderable cities of Flanders, containing above 60,000 inhabitants of all ages, who were affectionate to the French government; and as the ſecret of Edward's deſigns had not been ſtrictly kept, Philip learned, that the Engliſh, in order to gratify their Flemiſh allies, had intended to open the campaign with the ſiege of

[b] Rymer, vol. v. p. 197. [c] Froiſſart, liv. 1. chap. 57.

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this place: He took care therefore to ſupply it with a garriſon of 14,000 men, commanded by the braveſt nobility of France; and he reaſonably expected, that theſe forces, joined to the inhabitants, would be able to defend the city againſt all the efforts of the enemy. Accordingly, Edward, when he commenced the ſiege, about the end of July, found every where an obſtinate reſiſtance: The valour of the one ſide was encountered with equal valour by the other: Every aſſault was repulſed and proved unſucceſsful: And the King was at laſt obliged to turn the ſiege into a blockade, in hopes, that the great numbers of the garriſon and inhabitants, which had enabled them to defend themſelves againſt his attacks, would but expoſe them to be the more eaſily reduced by famine [d]. The count d'Eu, the governor, as ſoon as he perceived that the Engliſh had formed this plan of operations, endeavoured to ſpare his proviſions, by expelling all the uſeleſs mouths; and the duke of Brabant, who wiſhed no ſucceſs to Edward's enterprizes, gave every one a free paſſage thro' his quarters.

AFTER the ſiege had continued ten weeks, the city was reduced to diſtreſs; and Philip, recalling all his ſcattered garriſons, advanced towards the Engliſh camp at the head of a mighty army, with an intention of ſtill avoiding any deciſive action, but of ſeeking ſome opportunity to throw relief into the place. Here, Edward, irritated with the ſmall progreſs he had hitherto made, and with the diſagreeable proſpect that lay before him, ſent Philip a defiance by a herald; and challenged him to decide their claims for the crown of France, either by ſingle combat, or by an action of a hundred againſt a hundred, or by a general engagement. But Philip replied, that Edward

[d] Froiſſart, liv. 1. chap. 54.

having

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having done homage to him for the dutchy of Guienne, and having ſolemnly acknowledged his ſuperiority, it by no means became him to ſend a defiance to his liege lord and ſovereign: That he was confident, notwithſtanding all Edward's preparations, and his conjunction with the rebellious Flemings, to be able ſoon to chace him from the frontiers of France: That as the hoſtilities from England had prevented him from executing his purpoſed cruſade againſt the infidels, he truſted in the aſſiſtance of the Almighty, who would reward his pious intentions, and puniſh the aggreſſor, whoſe ill-grounded claims had rendered them ineffectual: That Edward propoſed a duel on very unequal terms, and offered to hazard only his own perſon, againſt both the kingdom of France, and the perſon of the King: But that if he would encreaſe the ſtake, and put alſo the kingdom of England on the iſſue of the duel, he would, notwithſtanding that the terms would ſtill be unequal, very willingly accept of the challenge[e]. It was eaſy to ſee that theſe mutual bravades were intended only to dazle the populace, and that the two kings were too wiſe to think of executing their pretended purpoſe.

WHILE the French and Engliſh armies lay in this ſituation, and a general action was every day expected, Jane, counteſs dowager of Hainault, interpoſed with her good offices, and endeavoured to conciliate peace between the contending monarchs, and to prevent any farther effuſion of blood. This princeſs was mother-in-law to Edward, and ſiſter to Philip; and tho' ſhe had taken the vows in a convent, and had abandoned the world, ſhe left her retreat on this occaſion, and em-

[e] Du Tillet, Recueil de Traitez, &c. Heming. p. 325, 326. Walſing. p. 149.

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ployed all her pious efforts to allay thoſe animoſities, which had taken place between perſons ſo nearly related to her, and to each other. As Philip had no material claims on his antagoniſt, ſhe found him to hearken very willingly to the propoſals; and even the haughty and ambitious Edward, convinced of his fruitleſs attempt, was not averſe to her negociation. He was ſenſible from experience, that he had engaged in an enterprize which far exceeded his force; and that the power of England was never likely to prevail over that of a ſuperior kingdom, firmly united under an able and prudent monarch. He diſcovered, that all the allies, whom he could gain by negociation, were at bottom averſe to his enterprize; and tho' they might ſecond it to a certain length, would immediately detach themſelves, and oppoſe its final accompliſhment, if ever they could be brought to think, that there was ſeriouſly any danger of it. He even ſaw, that their chief purpoſe was to obtain money from him; and as his ſupplies from England came in very ſlowly, and had much diſappointed his expectations, he was convinced of their growing indifference in his cauſe, and of their zeal to embrace all plauſible terms of accommodation. Convinced at laſt, that an undertaking muſt be imprudent, which could only be ſup-

3d Septemb. ported by means ſo unequal to the end, he concluded a truce, which left both parties in poſſeſſion of their preſent acquiſitions, and ſtopped all farther hoſtilities on the ſide of the Low Countries, Guienne and Scotland, till Midſummer next[f]. A negociation was ſoon after opened at Arras, under the mediation of the Pope's legates, and the truce was attempted to be converted into a ſolid peace. Edward here required that Philip ſhould free Guienne from all claims of ſuperiority, and entirely abandon

[f] Froiſſart, liv. 1. chap. 64. Aveſbury, p. 65.

the

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the protection of Scotland: But as he ſeemed not any wiſe entitled to make ſuch exorbitant demands, either from his paſt ſucceſſes, or future proſpects, they were totally rejected by Philip, who agreed only to a prolongation of the truce.

THE King of France ſoon after detached the emperor Lewis from the alliance of England, and engaged him to revoke the title of imperial vicar, which he had conferred on Edward [g]. The King's other allies on the frontiers of France, diſappointed in their hopes, gradually withdrew from the confederacy. And Edward himſelf, harraſſed by his numerous and importunate creditors, was obliged to make his eſcape by ſtealth into England.

Domeſtic diſturbances.

THE unuſual impoſition of a ninth ſheaf, lamb and fleece, laid on by the parliament, together with the great want of money, and ſtill more, of credit in England, had rendered the remittances to Flanders ſo backward; nor could it be expected, that any expeditious methods of collecting a tax, which was ſo new in itſelf, and which yielded only a gradual produce, could poſſibly be contrived by the King or his miniſters. And tho' the parliament, foreſeeing the inconvenience, had granted, as a preſent reſource, 20,000 ſacks of wool, the only Engliſh goods which bore a certain price in foreign markets, and were the next to ready money; it was impoſſible, but the ſeizing of ſuch a bulky commodity, the gathering of it from different parts of the kingdom, and the diſpoſing of it abroad, muſt take up much more time than the urgency of the King's affairs would permit, and occaſion all the diſappointments complained of, during the courſe of the campaign. But tho'

[g] Heming. p. 352. Ypod. Neuſt. p. 514. Knyghton, p. 2580.

nothing

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nothing had happened, which Edward might not reaſonably have foreſeen, he was ſo irritated with the unfortunate iſſue of his military operations, and ſo much vexed and affronted by his foreign creditors, that he was determined to throw the blame ſomewhere off himſelf, and he came in very bad humour into England. He diſcovered his peeviſh diſpoſition by the firſt act which he performed after his arrival: As he landed unexpectedly, he found the Tower ſomewhat unguarded; and he immediately committed to priſon the conſtable and all others who had the charge of that fortreſs; and he treated them with unuſual rigour [h]. His vengeance fell next on the officers of the revenue, the ſheriffs, the collectors of the taxes, the undertakers of all kinds; and beſides turning all of them out of their offices, he appointed commiſſioners to enquire into their conduct; and theſe men, in order to gratify the King's humour, were ſure not to find any perſon innocent, who came before them [i]. Sir John St. Paul, keeper of the privy ſeal, ſir John Stonore, lord chief juſtice, Andrew Aubrey, mayor of London, were diſplaced and impriſoned; as were alſo the biſhop of Chicheſter, chancellor, and the biſhop of Lichfield, treaſurer. Stratford, archbiſhop of Canterbury, on whom the charge of collecting the new taxes had been chiefly laid, fell likewiſe under the King's diſpleaſure; but being abſent at the time of Edward's arrival, he eſcaped feeling the immediate effects of it.

THERE were ſtrong reaſons, which might diſcourage the Kings of England, in thoſe ages, from beſtowing the chief offices of the crown on prelates and other eccleſiaſtical perſons.

[h] Ypod. Neuſt. p. 513.

[i] Aveſbury, p. 70. Heming. p. 326. Walſingham, p. 150.

Theſe

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Theſe men had ſo entrenched themſelves in privileges and immunities, and challenged ſo openly an exemption from all ſecular juriſdiction, that no civil penalty could be inflicted on them for any malverſation in office; and as even treaſon itſelf was declared to be no canonical offence, nor was allowed to be a ſufficient reaſon for deprivation or other ſpiritual cenſures, that order of men had enſured to themſelves almoſt a total impunity, and were not bound by any political laws or ſtatutes. But, on the other hand, there were many peculiar cauſes which favoured their promotion. Beſides that they poſſeſſed almoſt all the learning of the age, and were beſt qualified for civil employments; the prelates enjoyed equal dignity with the greateſt barons, and gave weight, by their perſonal authority, to the powers entruſted with them: While, at the ſame time, they endangered not the crown by accumulating wealth or influence in their families, and were reſtrained, by the decency of their character, from that open rapine and violence, ſo often practiſed by the nobles. Theſe motives had induced Edward, as well as many of his predeceſſors, to entruſt the chief parts of his government in the hands of eccleſiaſtics; at the hazard of ſeeing them diſown his authority ſo ſoon as it was turned againſt them.

THIS was the caſe with archbiſhop Stratford. That prelate, informed of Edward's indignation againſt him, prepared himſelf for the ſtorm; and not content with ſtanding upon the defenſive, he reſolved, by beginning the attack, to ſhow the King, that he knew the privileges of his character, and had courage to maintain them. He iſſued a general ſentence of excommunication againſt all, who, on any pretext, exerciſed violence on the perſon or goods of clergymen; who infringed

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thoſe privileges ſecured by the great charter, and by the eccleſiaſtical canons; or who accuſed a prelate of treaſon or any other crime, in order to bring him under the King's diſpleaſure [k]. Even Edward had reaſon to think himſelf ſtruck at by this ſentence; both on account of the impriſonment of the two biſhops and that of other clergymen concerned in levying the taxes, and on account of his ſeizing their lands and moveables, that he might make them anſwerable for any balance, which remained in their hands. The clergy, with the primate at their head, were now formed into a regular combination againſt the King; and many calumnies were ſpread againſt him, in order to deprive him of the confidence and affections of his people; that he intended to recal the general pardon, and the remiſſion of old debts which he had granted, and to impoſe new and arbitrary taxes without conſent of parliament. The archbiſhop went ſo far, in a letter to the King himſelf, as to tell him, that there were two powers, by which the world was governed, the holy pontifical apoſtolic dignity, and the royal ſubordinate authority: That of theſe two powers, the clerical was evidently the ſupreme, ſince the prieſts were to anſwer, at the tribunal of the divine judgment, for the conduct of kings themſelves: That the clergy were the ſpiritual fathers of all the faithful, and amongſt others of kings and princes; and were intitled, by a heavenly charter, to direct their wills and actions, and to cenſure their tranſgreſſions: And that prelates had heretofore cited emperors before their tribunal, had ſat in judgment on their life and behaviour, and had anathematized them for their obſtinate offences [l]. Theſe topics were not well calculated to appeaſe Edward's indignation; and when he called a parlia-

[k] Heming. p. 339. Ang. Sacra, vol. i. p. 21, 22. Walſingham, p. 153.
[l] Anglia Sacra, vol. i. p. 27.

ment,

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ment, he ſent not to the primate, as to the other peers, a ſummons to attend it. Stratford was not diſcouraged with this mark of neglect or anger: He appeared before the gates, arrayed in his pontifical robes, holding the croſier in his hand, and accompanied with a pompous train of prieſts and prelates; and he required admittance as the firſt and higheſt peer of the realm. During two days, the King rejected his application: But either ſenſible, that this affair might be attended with dangerous conſequences, or that in his impatience he had groundleſsly accuſed the primate of malverſation in his office, which ſeems really to have been the caſe; he at laſt permitted him to take his ſeat, and was reconciled to him [m].

EDWARD now found himſelf in a very bad ſituation both with his own people and with foreign ſtates; and it required all his genius and capacity to extricate himſelf from ſuch multiplied difficulties and embarraſſments. His unjuſt and exorbitant claims on France and Scotland had engaged him in an implacable war with theſe two kingdoms, his neareſt neighbours: He had loſt almoſt all his foreign alliances by his irregular payments: He was deeply involved in debts, for which he owed a conſuming intereſt: His military operations had vaniſhed into ſmoke; and except his naval victory, none of them had been attended even with glory or renown, either to himſelf or to the nation: The animoſity between him and the clergy was open and declared: The people were diſcontented on account of many arbitrary meaſures, in which he had been engaged: And what was more dangerous, the nobility, taking advantage of his preſent neceſſities, were determined to retrench

[m] Anglia Sacra, vol. i. p. 38, 39, 40, 41.

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his power, and by encroaching on the antient prerogatives of the crown, to acquire to themſelves independance and authority. But the aſpiring genius of Edward, which had ſo far tranſported him beyond the bounds of diſcretion, proved at laſt ſufficient to re-inſtate him in his former authority, and finally to render his reign the moſt triumphant which is to be met with in Engliſh ſtory: Tho' for the preſent he was obliged, with ſome loſs of honour, to yield to the current, which bore ſo ſtrongly againſt him.

THE parliament framed an act, which was likely to produce conſiderable innovations in the government. They premiſed, that, whereas the great charter had, to the manifeſt peril and ſlander of the King and damage of his people, been violated in many points, particularly by the impriſonment of free men and the ſeizure of their goods, without ſuit, indictment or trial, it was neceſſary to confirm it anew, and to oblige all the chief officers of the law, together with the ſteward and chamberlain of the houſhold, the keeper of the privy ſeal, the controller and treaſurer of the wardrobe, and thoſe who were entruſted with the education of the young prince, to ſwear to the regular obſervance of it. They alſo remarked, that the peers of the realm had formerly been arreſted and impriſoned, and diſpoſſeſſed of their temporalities and lands, and even ſome of them put to death, without judgment or trial; and they therefore enacted that ſuch violences ſhould henceforth ceaſe, and no peer be puniſhed but by the award of his peers *in parliament*. They required, that, whenever any of the great offices above mentioned became vacant, the King ſhould fill it by the advice of his council, and the conſent of other great men, who ſhould at that time be found to reſide in the neighbourhood of the court.

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And they enacted, that on the third day of every ſeſſion, the King ſhould reſume into his own hands all theſe offices, except thoſe of juſtices of the two benches and the barons of exchequer; that the miniſters ſhould for the time be reduced to private perſons; that they ſhould in that condition anſwer before the parliament to any accuſations brought againſt them; and that, if they were found any wiſe guilty, they ſhould finally be diſpoſſeſſed of their offices, and more able perſons be ſubſtituted in their place[n]. By theſe laſt regulations, the barons approached as near as they dared to thoſe reſtrictions, which had formerly been impoſed on Henry III. and Edward II. and which, from the dangerous conſequences attending them, had become ſo generally odious, that they did not expect to have either the concurrence of the people in demanding them, or the aſſent of the preſent King in granting them.

In return for theſe important conceſſions, the parliament proffered the King a grant of 20,000 ſacks of wool; and his wants were ſo urgent, from the clamours of his creditors, and the demands of his foreign allies, that he was obliged to accept of the ſupply on theſe hard conditions. He ratified this ſtatute in full parliament; but he *ſecretly* entered a proteſt of ſuch a nature as was ſufficient, one ſhould imagine, to deſtroy for the future all truſt and confidence with his people: He declared, that, ſo ſoon as his convenience permitted, he would, from his own authority, revoke what had been extorted from him[o]. Accordingly, he was no ſooner poſſeſſed of the parliamentary

[n] 15 Edw. III.

[o] Statutes at large, 15 Edw. III. That this proteſt of the King's was *ſecret* appears evidently, ſince otherwiſe it would have been ridiculous in the parliament to have accepted of his aſſent: Beſides the King owns that he *diſſembled*, which would not have been the caſe, had his proteſt been public.

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ſupply, than he iſſued an edict, which contains many extraordinary poſitions and pretenſions. He firſt aſſerts, that that ſtatute had been enacted contrary to law; as if a free legiſlative body could ever do any thing illegal. He next affirms, that, as it was hurtful to the prerogatives of the crown which he was ſworn to defend, he had only diſſembled, when he ſeemed to ratify it, but that he had never in his own breaſt given his aſſent to it. He does not pretend, that either he or the parliament lay under any force; but only that ſome inconvenience would have enſued had he not ſeemingly given his aſſent to that pretended ſtatute. He therefore, with the advice of his council and of *ſome* earls and barons, abrogates and annuls it; and tho' he profeſſes himſelf willing and determined to obſerve ſuch articles of it as were formerly law, he declares it to have thenceforth no force or authority [p]. The parliaments, who were afterwards aſſembled, took no notice of this arbitrary exertion of royal power, which by a parity of reaſon left all their laws at the mercy of the King; and during the courſe of two years, Edward had ſo far re-eſtabliſhed his influence, and freed himſelf from his preſent neceſſities, that he then obtained from his parliament a legal repeal of the obnoxious ſtatute [q]. This tranſaction certainly contains remarkable circumſtances, which diſcover the manners and ſentiments of the age, and may prove what inaccurate work might be expected from ſuch rude hands, when employed in legiſlation, and in rearing the delicate fabric of laws and a conſtitution.

BUT tho' Edward had happily recovered his authority at home, which had been impaired by the events of the French

[p] Statutes at large, 15 Edw. III. [q] Cotton's Abridgm. p. 38, 39.

war,

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war, he had undergone ſo many mortifications from that attempt, and ſaw ſo little proſpect of ſucceſs, that he would probably have dropt his claim, had not a revolution in Brittany opened to him more promiſing views, and given his enterprizing genius a full opportunity of diſplaying itſelf.

Affairs of Brittany.

JOHN III. duke of Brittany, had, ſome years before his death, found himſelf declining thro' age and infirmities; and having no iſſue, he was ſolicitous to prevent thoſe diſorders, to which, on the event of his deceaſe, a diſputed ſucceſſion might expoſe his ſubjects. His younger brother, the count de Penthievre, had left only one daughter, whom the duke deemed his heir; and as his family had inherited the dutchy by a female ſucceſſion, he thought her title preferable to that of the count de Mountfort, who, being his brother by a ſecond marriage, was the male heir of that principality[r]. He accordingly propoſed to beſtow her in marriage on ſome perſon, who might be able to defend her rights; and he caſt his eye on Charles de Blois, nephew of the King of France, by his mother, Margaret de Valois, ſiſter to that monarch. But as he both loved his ſubjects and was beloved by them, he determined not to take this important ſtep without their approbation; and having aſſembled the ſtates of Brittany, he repreſented to them the advantages of that alliance, and the proſpect, which it gave, of an entire ſettlement of the ſucceſſion. The Bretons willingly concurred in his choice: The marriage was concluded: All his vaſſals, and among the reſt, the count de Mountfort, ſwore fealty to Charles and to his ſpouſe as to their future ſovereigns: And every danger of civil commotions ſeemed to be obviated, as far as human prudence could provide a remedy againſt them.

[r] Froiſſart, liv. 1. chap. 64.

BUT

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BUT on the death of this good prince, the ambition of the count de Mountfort broke thro' all theſe regulations, and kindled a war, not only dangerous to Brittany, but to a great part of Europe. While Charles de Blois was ſoliciting at the court of France the inveſtiture of the dutchy, Mountfort was active in acquiring immediate poſſeſſion of it; and by force or intrigue he made himſelf maſter of Rennes, Nantz, Breſt, Hennebonne, and all the moſt important fortreſſes, and engaged many conſiderable barons to acknowledge his authority [r]. Senſible, that he could expect no favour from Philip, he made a voyage to England, on pretence of ſoliciting his claim to the earldom of Richmond, which had devolved to him by his brother's death; and offering to do homage to Edward, as King of France, for the dutchy of Brittany, he propoſed a ſtrict alliance for the ſupport of each other's pretenſions. Edward ſaw immediately the advantages attending this treaty: Mountfort, an active and valiant prince, cloſely united to him by intereſt, opened at once an entrance into the heart of France, and afforded him much more flattering views, than his allies on the ſide of Germany and the Low Countries, who had no ſincere attachment to his cauſe, and whoſe progreſs was alſo obſtructed by thoſe numerous fortifications, which had been raiſed on that frontier. Robert d'Artois was zealous in inforcing theſe conſiderations: The ambitious ſpirit of Edward was little diſpoſed to ſit down under thoſe repulſes, which he had received, and which, he thought, had ſo much injured his reputation: And it required a very ſhort negotiation to conclude a treaty of alliance between two men; who, tho' their pleas with regard to the preference of male or female ſucceſſion were directly oppoſite, were intimately connected by their immediate intereſts [s].

Renewal of the war with France.

[r] Froiſſart, liv. 1. chap. 65, 66, 67, 68.

[s] Ibid. chap. 69.

As

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As this treaty was ſtill a ſecret, Mountfort, on his return, ventured to appear at Paris, in order to defend his cauſe before the court of peers; but obſerving Philip and his judges to be prepoſſeſſed againſt his title, and dreading their intentions of arreſting him, till he ſhould reſtore what he had ſeized by violence, he ſuddenly made his eſcape; and war immediately broke out between him and Charles de Blois [t]. Philip ſent his eldeſt ſon, the duke of Normandy, with a powerful army to the aſſiſtance of the latter; and Mountfort, unable to keep the field againſt his rival, remained in the city of Nantz, where he was beſieged. The city was taken by the treachery of the inhabitants: Mountfort fell into the hands of his enemies; was conducted as a priſoner to Paris; and was ſhut up in the tower of the Louvre [u].

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THIS event ſeemed to put an end to the pretenſions of the count de Mountfort; but his affairs were immediately retrieved by an unexpected incident, which inſpired new life and vigour into his party. Jane of Flanders, counteſs of Mountfort, the moſt extraordinary woman of that age, was rouzed, by the captivity of her huſband, from thoſe domeſtic cares, to which ſhe had hitherto limited her genius; and ſhe courageouſly undertook to ſupport the falling fortunes of her family. No ſooner did ſhe receive the fatal intelligence, than ſhe aſſembled the inhabitants of Rennes, where ſhe then reſided; and carrying her infant ſon in her arms, deplored to them the calamity of their ſovereign. She recommended to their care the illuſtrious orphan, the ſole male remaining of their antient princes, who had governed them with ſuch indulgence and lenity, and to whom they had ever profeſſed ſuch zealous attachment. She

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[t] Froiſſart, liv. 1. chap. 70, 71.

[u] Ibid. chap. 73.

declared

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declared herſelf willing to run all hazards with them in ſo juſt a cauſe; diſcovered the reſources which ſtill remained in the alliance of England; and entreated them to make one effort againſt an uſurper, who, being impoſed on them by the arms of France, would in return make a ſacrifice to his protector of the antient liberties of Brittany. The audience, moved by the affecting appearance, and inſpirited by the noble conduct of the princeſs, vowed to live and die with her in defending the rights of her family: All the other fortreſſes of Brittany embraced the ſame reſolution: The counteſs went from place to place, encouraging the garriſons, providing them with every thing neceſſary for ſubſiſtance, and concerting the proper plans of defence; and after ſhe had put the whole province in a good poſture, ſhe ſhut herſelf up in Hennebonne, where ſhe waited with impatience the arrival of thoſe ſuccours, which Edward had promiſed her. Mean while, ſhe ſent over her ſon to England, both that ſhe might put him in a place of ſafety, and engage the King more ſtrongly, by ſuch a pledge, to embrace with zeal the intereſts of her family.

CHARLES DE BLOIS, anxious to make himſelf maſter of ſo important a fortreſs as Hennebonne, and ſtill more to take the counteſs priſoner, from whoſe vigour and capacity all the difficulties to his ſucceſſion in Brittany now proceeded, ſat down before the place with a great army, compoſed of French, Spaniards, Genoeſe, and ſome Bretons; and he conducted the attack with indefatigable induſtry [w]. The defence was no leſs vigorous: The beſiegers were repulſed in every aſſault: Frequent ſallies were made with ſucceſs by the garriſon: And the counteſs herſelf being the moſt forward in all military operations, every

[w] Froiſſart, liv. 1. chap. 81.

one

one was ashamed not to exert himself to the utmost in this desperate situation. One day she perceived, that the besiegers, entirely occupied in an attack, had neglected a distant quarter of their camp; and she immediately sallied forth at the head of a body of 200 cavalry, threw them into confusion, executed great slaughter upon them, and set fire to their tents, baggage and magazines: But when she was preparing to return, she found that she was intercepted, and that a great body of the enemy had thrown themselves between her and the gates. She instantly took her resolution; she ordered her men to disband, and to make the best of their way by flight to Brest. She met them at the appointed place of rendezvous, collected another body of 500 horse, returned to Hennebonne, broke unexpectedly thro' the enemies camp, and was received with shouts and acclamations by the garrison, who, encouraged by this reinforcement, and by so rare an example of female valour, determined to defend themselves to the last extremity.

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THE reiterated attacks, however, of the besiegers, had at length made several breaches in the walls; and it was apprehended, that a general assault, which was every hour expected, would overpower the garrison, diminished in their numbers, and extremely weakened with watching and fatigue. It became necessary to treat of a capitulation; and the bishop of Leon was already engaged, for that purpose, in a conference with Charles de Blois, when the countess, who had mounted on a high tower, and was looking towards the sea with great impatience, descried some sails at a distance. She immediately exclaimed: *Behold the succours! the English succours! No capitulation!*

[x] Froissart, liv. 1. chap. 81.

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This fleet carried a body of Engliſh gens d'armes, and ſix thouſand archers, whom Edward had prepared for the relief of Hennebonne, but who had been long detained by contrary winds. They entered the harbour under the command of ſir Walter Manny, one of the braveſt captains of England; and having inſpired freſh courage into the garriſon, immediately ſallied forth, beat the beſiegers from all their poſts, and obliged them to decamp.

BUT notwithſtanding this ſucceſs, the counteſs of Mountfort found that her party, overpowered by numbers, were declining in every quarter; and ſhe went over to ſolicit more effectual ſuccours from the King of England. Edward granted her a conſiderable reinforcement under Robert d'Artois; who embarked his troops on board a fleet of forty-five ſhips, and ſailed to Brittany. He was met in his paſſage by the enemy; an action enſued, where the counteſs behaved with her wonted valour, and charged the enemy ſword in hand; but the fleets, after a ſharp action, were ſeparated by a ſtorm, and the Engliſh arrived ſafely in Brittany. The firſt exploit of Robert d'Artois was the taking of Vannes, which he maſtered by conduct and addreſs [y]: But he ſurvived a very little time this proſperity. The Breton noblemen of the party of Charles aſſembled ſecretly in arms, attacked Vannes of a ſudden, and carried the place; chiefly by reaſon of a wound received by Robert d'Artois, of which he ſoon after died at ſea on his return to England [z].

AFTER the death of this unfortunate prince, the chief author of all the calamities, with which his country was overwhelmed for above a century, Edward undertook in perſon the defence

[y] Froiſſart, liv. 1. chap. 93. [z] Ibid. chap. 94.

of the counteſs of Mountfort; and as the laſt truce with France was now expired, the war, which the Engliſh and French had hitherto carried on as allies to the competitors for Brittany, was thenceforth conducted in the name and under the ſtandard of the two monarchs. The King landed at Morbian near Vannes, with an army of 12,000 men; and being maſter of the field, he endeavoured to give a luſtre to his arms, by commencing at once three important ſieges, that of Vannes, of Rennes, and of Nantz. But by undertaking too much, he failed of ſucceſs in all his enterprizes. Even the ſiege of Vannes, which Edward in perſon conducted with vigour, advanced but ſlowly [a]; and the French had all the leiſure requiſite for making preparations againſt him. The duke of Normandy, eldeſt ſon of Philip, appeared in Brittany at the head of an army of 30,000 infantry and 4000 cavalry; and Edward was now obliged to draw together all his forces, and to entrench himſelf ſtrongly before Vannes, where the duke of Normandy ſoon after arrived, and in a manner inveſted the beſiegers. The garriſon and the French camp were plentifully ſupplied with proviſions; while the Engliſh, who dared to make no attempt upon the place in the preſence of a ſuperior army, drew all their ſubſiſtance from England, expoſed to the hazards of the ſea, and ſometimes to thoſe ariſing from the fleet of the enemy. In this dangerous ſituation, Edward very willingly hearkened to the mediation of the Pope's legates, the cardinals of Paleſtrine and Freſcati, who endeavoured to negotiate; if not a peace, at leaſt a truce between the two kingdoms. A treaty was concluded for a ceſſation of arms during three years [b]; and Edward had the ability, notwithſtanding his preſent dangerous ſituation, to pro-

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[a] Froiſſart, liv. 1. chap. 95. [b] Ibid. chap. 99. Aveſbury, p. 102.

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cure to himſelf very equal and honourable terms. It was agreed, that Vannes ſhould be ſequeſtered, during the truce, in the hands of the legates, to be diſpoſed of afterwards as they pleaſed; and tho' Edward knew the partiality of the court of Rome towards his antagoniſt, he ſaved himſelf by this device from the diſhonour of having undertaken a fruitleſs enterprize. It was alſo ſtipulated, that all priſoners ſhould be releaſed, that the places in Brittany ſhould remain in the hands of the preſent poſſeſſors, and that the allies on both ſides ſhould be comprehended in the truce [c]. Edward, ſoon after concluding this treaty, embarked with his army for England.

THE truce, tho' calculated for a long time, was of very ſhort duration; and each monarch endeavoured to throw on the other the blame of its infraction. Of courſe, the hiſtorians of the two countries, differ in their account of the matter. It ſeems probable, however, as is affirmed by the French writers, that Edward, in conſenting to the truce, had no other purpoſe than to extricate himſelf from a perilous ſituation, into which he had fallen, and was afterwards very careleſs of its obſervance. In all the memorials which remain on this ſubject, he complains chiefly of the puniſhment inflicted on Oliver de Cliſſon, Henry de Leon, and other Breton noblemen, who, he ſays, were partizans of the family of Mountfort, and conſequently under the protection of England [d]. But it appears from the hiſtory, that at the concluſion of the truce, thoſe noblemen had openly, by their declarations and actions, embraced the cauſe of Charles de Blois [e]; and if they had entered into any ſecret correſpondence and engagements

[c] Heming. p. 359.

[d] Rymer, vol. v. p. 453, 454, 459, 466, 496. Heming. p. 376.

[e] Froiſſart, liv. 1. chap. 96. p. 102.

with

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with Edward, they were traitors to their party, and were juſtly puniſhable by Philip and Charles, for their breach of faith; nor had Edward any juſt ground of complaint againſt France for ſuch ſeverities. But when he laid theſe pretended injuries before the parliament, whom he affected to conſult on all occaſions, that aſſembly entered into the quarrel, adviſed the King not to be amuſed by a fraudulent truce, and granted him ſupplies for the renewal of the war: The counties were charged with a fifteenth for two years, and the boroughs with a tenth. The clergy conſented to give a tenth for three years.

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THESE ſupplies enabled the King to complete his military preparations; and he ſent his couſin, Henry earl of Derby, ſon of the earl of Lancaſter, into Guienne, for the defence of that province[f]. This prince, the moſt accompliſhed of the Engliſh court, poſſeſſed in a high degree the virtue of humanity as well as thoſe of valour and conduct[g], and not content with protecting and cheriſhing the province committed to his care, he made a very ſucceſsful invaſion on the enemy. He attacked the count de Laille, the French general at Bergerac, beat him from his entrenchments, and took the place. He reduced a great part of Perigord, and continually advanced in his conqueſts, till the count de Laille, having collected an army of ten or twelve thouſand men, ſat down before Auberoche, in hopes of recovering that place, which had fallen into the hands of the Engliſh. The earl of Derby came upon him by ſurprize with

1345.

[f] Froiſſart, liv. 1. chap. 103. Aveſbury, p. 121.

[g] It is reported of this prince, that, having once, before the attack of a town, promiſed the ſoldiers the plunder, one private man happened to fall upon a great cheſt full of money, which he immediately brought to the earl, as thinking it too great for himſelf to keep poſſeſſion of it. But Derby told him, that his promiſe did not depend on the greatneſs or ſmallneſs of the ſum; and bid him keep it all for his own uſe.

only

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1345. only a thouſand cavalry, threw the French into diſorder, puſhed his advantages, and obtained a complete victory. De Laille himſelf, with many conſiderable nobles, was taken priſoner[h]. After this important ſucceſs, Derby made a rapid progreſs in ſubduing the French provinces. He took Monſegur, Monpeſat, Villefranche, Miremont, and Tonnins, with the fortreſs of Damaſſen. Aiguillon, a fortreſs deemed impregnable, fell into his hands from the cowardice of the governor. Angouleme was ſurrendered after a ſhort ſiege. The only place, where he met with a conſiderable reſiſtance, was Reole, which, however, was at laſt reduced after a ſiege of above nine weeks[i]. Having made an attempt on Blaye, he thought it more prudent to raiſe the ſiege, than waſte his time, before a place of ſmall importance[k].

1346. THE reaſon why Derby was permitted without oppoſition to make ſuch progreſs on the ſide of Guienne, was the difficulties under which the French finances then laboured, and which had obliged Philip to lay on new impoſitions, particularly the duty on ſalt, to the great diſcontent, and almoſt mutiny of his ſubjects. But after the court of France was ſupplied with money, great preparations were made; and the duke of Normandy, attended by the duke of Burgundy, and other great nobility, led towards Guienne a powerful army, which the Engliſh could not think of reſiſting in the open field. The earl of Derby ſtood on the defenſive, and allowed the French to carry on at leiſure the ſiege of Angouleme, which was their firſt enterprize. John lord Norwich, the governor, after a brave and vigorous defence, found himſelf reduced to extremities; and he was ob-

[h] Froiſſart, liv. 1. chap. 104. [i] Ibid. chap. 110. [k] Ibid. chap. 112.

liged

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liged to employ a ſtratagem, in order to ſave his garriſon, and to prevent his being reduced to ſurrender at diſcretion. He appeared on the walls, and deſired a parley with the duke of Normandy. The prince there told Norwich, that he ſuppoſed he intended to capitulate. "Not at all," replied the governor: "But as to-morrow is the feaſt of the Virgin, to whom, I "know, that you, ſir, as well as myſelf, bear a great devo-"tion, I deſire a ceſſation of arms for that day." The propoſal was agreed to; and Norwich, having ordered his forces to prepare all their baggage, marched out next day, and advanced towards the French camp. The beſiegers, imagining they were to be attacked, ran to their arms; but Norwich ſent a meſſenger to the duke, reminding him of his engagement. The duke, who piqued himſelf on the faithful obſervance of his word, exclaimed, *I ſee the governor has outwitted me: But let us be contented with gaining the place:* And the Engliſh were allowed to paſs thro' the camp unmoleſted [l]. After ſome other ſucceſſes, the duke of Normandy laid ſiege to Aiguillon; and as the natural ſtrength of the fortreſs, together with a brave garriſon under the command of the earl of Pembroke, and ſir Walter Manny, rendered it impoſſible to take the place by aſſault, he propoſed, after making ſeveral fruitleſs attacks [m], to reduce it by famine: But before he could finiſh his enterprize, he was called to another quarter of the kingdom, by one of the greateſt diſaſters, that ever befel the French monarchy [n].

EDWARD, informed by the earl of Derby of the great danger to which Guienne was expoſed, had prepared a fleet and army,

[l] Froiſſart, liv. 1. chap. 120. [m] Ibid. chap. 121. [n] Ibid. chap. 134.

with

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with which he intended in perſon to bring it relief. He embarked at Southampton on board a fleet of near a thouſand ſail of all dimenſions; and carried with him, beſides all the chief nobility of England, his eldeſt ſon the prince of Wales, now fifteen years of age. The winds proved long contrary [o]; and the King, in deſpair of arriving in time at Guienne, was at laſt perſuaded by Geoffry d'Harcourt, to change the deſtination of his enterprize. This nobleman was a Norman by birth, had long made a conſiderable figure in the court of France, and was generally eſteemed for his perſonal merit and valour; but being diſobliged and perſecuted by Philip, he had fled over to England; had recommended himſelf to Edward, who was an excellent judge of men; and had ſucceeded to Robert d'Artois in the invidious office of exciting and aſſiſting the King in every enterprize againſt his native country. He had long inſiſted, that an expedition to Normandy promiſed, in the preſent circumſtances, much more favourable ſucceſs, than one to Guienne; that Edward would find the northern provinces much unfurniſhed of military force, which had been drawn to the ſouth; that they were full of flouriſhing cities, whoſe plunder would enrich the Engliſh; that their cultivated fields, as yet unſpoiled by war, would ſupply them with plenty of proviſions; and that the neighbourhood of the capital rendered every event of importance in thoſe quarters [p]. Theſe reaſons, which had not before been duly weighed by Edward, began to make more impreſſion after the diſappointments, which he had met with in his voyage to Guienne: He ordered his fleet to ſail to Normandy, and ſafely diſembarked his army at la Hogue.

12th July.

[o] Aveſbury, p. 123.

[p] Froiſſart, liv. 1. chap. 121.

THIS

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1346. Invaſion of France.

THIS army, which was, during the courſe of the enſuing campaign, crowned with the moſt ſplendid ſucceſs, conſiſted of four thouſand men at arms, ten thouſand archers, ten thouſand Welſh infantry, and ſix thouſand Iriſh. The Welſh and the Iriſh were light, diſorderly troops, fitter for doing execution in a purſuit, or ſcouring the country, than for any ſtable action. The bow was always eſteemed a frivolous weapon, where true military diſcipline was known, and regular bodies of well armed foot maintained. The only ſolid force in this army were the men at arms, and even theſe, being cavalry, were, on that account, much inferior, in the ſhock of battle, to good infantry: And as the whole were new levied troops, we are led to entertain a very mean idea of the military force of thoſe ages, which, being ignorant in every other art, had not properly cultivated the art of war itſelf, the ſole object of their attention.

THE King created the earl of Arundel conſtable of his army, and the earls of Warwic and Harcourt, mareſchals: He beſtowed the honour of knighthood on the prince of Wales and ſeveral of the young nobility, immediately upon his landing. After deſtroying all the ſhips in la Hogue, Barfleur, and Cherbourg, he ſpread his army over the whole country, and gave them an unbounded licence of burning, ſpoiling, and plundering every place, of which they became maſters. The looſe diſcipline then practiſed, could not be much hurt by theſe diſorderly practices; and Edward took care to prevent any ſurprize, by giving orders to his troops, however they might diſperſe themſelves in the day time, always to quarter themſelves at night near the main body. In this manner, Montebourg, Carentan, St. Lo, Valognes, and other places in the Cotentin

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were pillaged without reſiſtance; and an univerſal conſternation was ſpread over the whole province [q].

THE intelligence of this unexpected invaſion ſoon reached Paris; and threw Philip into great perplexity. He iſſued orders, however, for levying forces in all quarters, and diſpatched the count d'Eu, conſtable of France, and the count de Tancarville, with a body of troops, to the defence of Caën, a populous and commercial but open city, which lay in the neighbourhood of the Engliſh army. The temptation of ſo rich a prize ſoon allured Edward to approach it; and the inhabitants, encouraged by their numbers, and by the re-inforcements which they daily received from the country, ventured, againſt the advice of the conſtable, to meet him in the field. But their courage failed them on the firſt ſhock: They fled with precipitation: The counts d'Eu and Tancarville were taken priſoners: The victors entered the city along with the vanquiſhed, and a furious maſſacre commenced, without diſtinction of age, ſex, or condition. The citizens, in deſpair, barricadoed their houſes, and aſſaulted the Engliſh with ſtones, bricks, and every miſſile weapon: The Engliſh made way by fire to the deſtruction of the citizens: Till Edward, anxious to ſave both his ſpoil and his ſoldiers, ſtopped the maſſacre; and having obliged the inhabitants to lay down their arms, gave his troops licence to begin a more regular and leſs hazardous plunder of the city. The pillage continued for three days: The King reſerved for his own ſhare the jewels, plate, ſilks, fine cloth, and fine linen; and he beſtowed all the remainder of the ſpoil on his army. The whole was embarked on board the ſhips, and ſent over to

[q] Froiſſart, liv. 1. chap. 122.

England;

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England; together with three hundred of the richeſt citizens of Caën, whoſe ranſom was an additional profit, which he expected afterwards to levy[r]. This diſmal ſcene paſſed in the preſence of two cardinal legates, who had come to negotiate a peace between the kingdoms.

The King moved next to Roüen in hopes of treating that city in the ſame manner; but found, that the bridge over the Seine was already broken down, and that the King of France himſelf was arrived there with his army. He marched along the banks of that river towards Paris, deſtroying the whole country, and every town and village, which he met with on his road[s]. Some of his light troops carried their ravages even to the gates of Paris; and the royal palace of St. Germans, together with Nanterre, Ruelle, and other villages, was reduced to aſhes within ſight of that capital. The Engliſh propoſed to paſs the river at Poiſſy, but found the French army encamped on the oppoſite banks, and the bridge at that place, as well as all others upon the Seine, broken down by orders from Philip. Edward now ſaw, that the French intended to encloſe him in their country, in hopes of attacking him with advantage on all ſides: But he ſaved himſelf by a ſtratagem from this perilous ſituation. He gave his army orders to diſlodge, and to advance farther up the Seine; but immediately returning by the ſame road, arrived at Poiſſy, which the enemy had already quitted, in order to attend his motions. He repaired the bridge with incredible celerity, paſſed over his army, and having thus diſengaged himſelf from the enemy, advanced by quick marches towards Flanders. His vanguard, commanded by Harcourt,

[r] Froiſſart, liv. 1. chap. 124. [s] Ibid. chap. 125.

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met with the townſmen of Amiens, who were haſtening to reinforce their King, and defeated them with great ſlaughter[t]: He paſſed by Beauvais, and burned the ſuburbs of that city: But as he approached the Somme, he found himſelf in the ſame difficulty as before: All the bridges on that river were either broken down, or ſtrongly guarded: An army, under the command of Godemar de Faye, was ſtationed on the oppoſite banks: Philip was advancing on him from the other quarter, with an army of an hundred thouſand men: And he was thus expoſed to the danger of being encloſed, and of ſtarving in an enemy's country. In this extremity, he publiſhed a reward to any one, that could bring him intelligence of a paſſage over the Somme. A peaſant, called Gobin Agace, whoſe name has been preſerved by the ſhare which he had in theſe important tranſactions, was tempted on this occaſion to betray the intereſts of his country; and he informed Edward of a ford below Abbeville, which had a ſound bottom, and might be paſſed without difficulty at low water[u]. The King haſtened thither, but found Godemar de Faye on the oppoſite banks. Being urged by neceſſity, he deliberated not a moment; but threw himſelf into the river, ſword in hand, at the head of his troops; drove the enemy from their ſtation; and purſued them to a diſtance on the plain[w]. The French army under Philip, arrived at the ford, when the rear-guard of the Engliſh were paſſing. So narrow was the eſcape, which Edward, by his prudence and celerity, made from this danger! The riſing of the tide prevented the French King from following him over the ford, and obliged that prince to take his road over the bridge at Abbeville; by which ſome time was loſt.

[t] Froiſſart, liv. 1. chap. 125.
[u] Ibid. chap. 126, 127.
[w] Ibid. chap. 127.

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It is natural to think, that Philip, at the head of ſo vaſt an army, was impatient to take revenge of the Engliſh, and to prevent the diſgrace to which he muſt be expoſed, if an inferior enemy ſhould be allowed, after ravaging ſo great a part of his kingdom, to eſcape with impunity. Edward alſo was ſenſible, that ſuch muſt be the object of the French monarch; and as he had advanced but a little way before his enemy, he ſaw the danger of precipitating his march over the plains of Picardy, and of expoſing his rear to the inſults of the numerous cavalry, in which the French camp abounded. He took therefore a very prudent reſolution: He choſe his ground with advantage near the village of Crecy; he diſpoſed his army in excellent order; he determined to await in tranquillity the arrival of the enemy; and he hoped, that their eagerneſs to engage, and to prevent his retreat, after all their paſt diſappointments, would hurry them on to ſome raſh and ill-concerted action. He drew up his army on a gentle aſcent, and divided them into three lines: The firſt was commanded by the prince of Wales, and under him, by the earls of Warwic and Oxford, by Harcourt, and by the lords Chandos, Holland, and other noblemen: The earls of Arundel and Northampton, with the lords Willoughby, Baſſet, Roos, and ſir Lewis Tufton, were at the head of the ſecond line: He took on himſelf the command of the third diviſion, by which he propoſed either to bring ſuccour to the two firſt lines, or to ſecure a retreat in caſe of any misfortunes, or to puſh his advantages againſt the enemy. He had likewiſe the precaution to throw up trenches on his flank, in order to ſecure himſelf from the numerous bodies of the French, who might aſſail him from that quarter; and he placed all his baggage behind him in a wood, which he alſo ſecured by an intrenchment[x].

Battle of Crecy. 26th Aug.

[x] Froiſſart, liv. 1. chap. 128.

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THE ſkill and order of this diſpoſition, with the tranquillity in which it was made, ſerved extremely to compoſe the minds of the ſoldiers; and the King, that he might farther inſpirit them, rode thro' their ranks with ſuch an air of cheerfulneſs and alacrity in his countenance, as conveyed the higheſt confidence into every beholder. He pointed out to them the neceſſity, to which they were reduced, and the certain and inevitable deſtruction which awaited them, if, in their preſent ſituation, encloſed on all hands in an enemy's country, they truſted to any thing but their own valour, or gave that enemy an opportunity of taking revenge for the many inſults and indignities, which they had of late put upon him. He reminded them of the apparent ſuperiority which they had hitherto maintained over all the bodies of French troops that had fallen in their way; and aſſured them, that the greater numbers of the army, which at preſent hovered over them, gave them not greater force, but was an advantage eaſily compenſated by the order, in which he had placed his own army, and the reſolution which he expected from them. He demanded nothing, he ſaid, but that they would imitate his own example, and that of the prince of Wales; and as the honour, the lives, the liberties of all, were now expoſed to the ſame danger, he was confident, that they would make one common effort to extricate themſelves from the preſent difficulties, and that their united courage would give them the victory over all their enemies.

IT is related by ſome hiſtorians[y], that Edward, beſides the reſources, which he found in his own genius and preſence of mind, employed alſo a new invention againſt the enemy, and placed in his front ſome pieces of artillery, the firſt which had

[y] Jean Villani, lib. 12. cap. 66.

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yet been made uſe of on any remarkable occaſion in Europe. This is the epoch of one of the moſt ſingular diſcoveries, which has been made among men; and which changed by degrees the whole art of war, and by conſequence many circumſtances in the political government of Europe. But the ignorance of that age, in the mechanical arts, rendered the progreſs very ſlow of this new invention. The artillery firſt framed, were ſo clumſy and of ſuch difficult management, that men were not immediately ſenſible of their uſe and efficacy: And even to the preſent times, improvements have been continually making on this furious engine, which, tho' it ſeemed contrived for the deſtruction of mankind, and the overthrow of empires, has in the iſſue rendered war much leſs bloody, and has given greater ſtability to civil ſocieties. Nations, by its means, have been brought more to a level: Conqueſts have become leſs frequent and rapid: Succeſs in war has been reduced nearly to be a matter of calculation: And any nation, overmatched by its enemy, either yields to their demands, or ſecures itſelf by alliances againſt their violence and invaſion.

THE invention of artillery was at this time known in France as well as in England [z]; but Philip, in his hurry to overtake the enemy, had probably left his cannon behind him, which he regarded as an uſeleſs incumbrance. All his other movements diſcovered the ſame imprudence and precipitation. Impelled by anger, a dangerous counſellor, and truſting to the great ſuperiority of his numbers, he thought that all depended on forcing an engagement with the Engliſh, and that, if he could once reach the enemy in their retreat, the victory on his ſide was certain and inevitable. He made a haſty march in

[z] Du Cange Gloſſ. in verb. *Bombarda.*

great

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great diſorder from Abbeville; but after he had advanced above two leagues, ſome gentlemen, whom he had ſent before to take a view of the enemy, returned to him, and brought him intelligence, that they had ſeen the Engliſh drawn up in excellent order, and awaiting his arrival. They therefore adviſed him to defer the combat till the enſuing day, when his army would have recovered from their fatigue, and might be diſpoſed into better order, than their preſent hurry had permitted them to obſerve. Philip aſſented to this council; but the former precipitation of his march, and the impatience of the French nobility, made it impracticable for him to put it in execution. One diviſion preſſed upon another: Orders to ſtop were not ſeaſonably conveyed to all of them: This immenſe body was not governed by ſufficient diſcipline to be manageable: And the French army, very imperfectly formed into three lines, arrived, already fatigued and diſordered, in preſence of the enemy. The firſt line, conſiſting of 15,000 Genoeſe croſs-bow men, was commanded by Anthony Doria, and Charles Grimaldi: The ſecond was led by the count d'Alençon, brother to the King: The King himſelf was at the head of the third. Beſides the French monarch, there were no leſs than three crowned heads in this engagement: The King of Bohemia, the King of the Romans, his ſon, and the King of Majorca; with all the nobility and great vaſſals of the crown of France. The army now conſiſted of above 120,000 men, near four times the number of the enemy. But the prudence of one man was ſuperior to the advantage of all this force and ſplendor.

THE Engliſh, on the approach of the enemy, kept their ranks firm and immoveable; and the Genoeſe firſt began the attack. There had happened, a little before the engagement, a thunder

a thunder ſhower, which had moiſtened and relaxed the ſtrings of the Genoeſe croſs-bows; and their arrows for this reaſon fell ſhort of the enemy. The Engliſh archers, taking their bows out of their caſes, poured in a ſhower of arrows upon this multitude who were oppoſed to them; and ſoon threw them into diſorder. The Genoeſe fell back upon the gens d'armes of the count d'Alençon [a]; who, enraged at their cowardice, ordered his troops to put them to the ſword. The artillery fired amidſt the crowd; the Engliſh archers ſtill continued to ſend in their arrows among them; and nothing was to be ſeen in that vaſt body but hurry and confuſion, terror and diſmay. The young prince of Wales had the preſence of mind to take advantage of this ſituation, and to lead on his line to the charge. The French cavalry, however, recovering ſomewhat their order, and encouraged by the example of their leader, made ſtout reſiſtance; and having at laſt cleared themſelves of the Genoeſe runaways, advanced upon their adverſaries, and by their ſuperior numbers began to hem them round. The earls of Arundel and Northampton advanced their line to ſuſtain the prince, who, ardent in his firſt feats of arms, ſet an example of valour, which was imitated by all his followers. The battle became for ſome time hot and dangerous, and the earl of Warwic, apprehenſive of the event from the ſuperior numbers of the French, diſpatched a meſſage to the King, and entreated him to ſend ſuccours to the relief of the prince. Edward had choſen his ſtation on the top of the hill; and he ſurveyed in tranquillity the ſcene of action. When the meſſenger accoſted him, his firſt queſtion was, whether the prince was ſlain or wounded. On receiving an anſwer in the negative,

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[a] Froiſſart, liv. 1. chap. 130.

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Return, ſaid he, *to my ſon, and tell him that I reſerve the honour of this day to him: I am confident that he will ſhow himſelf worthy of the honour of knighthood, which I ſo lately conferred upon him: He will be able without my aſſiſtance to repel the enemy* [b]. This ſpeech, being reported to the prince and his attendants, inſpired them with new courage: They made an attack with redoubled vigour on the French, in which the count d'Alençon was ſlain: That whole line of cavalry was thrown into diſorder: The riders were killed or diſmounted: The Welſh infantry ruſhed into the throng, and with their long knives cut the throats of all who had fallen; nor was any quarter given that day by the victors [c].

THE King of France advanced in vain with the rear to ſuſtain the line commanded by his brother: He found them already diſcomfited; and the example of their rout encreaſed the confuſion, which was before but too prevalent in his own body. He had himſelf a horſe killed under him: He was remounted; and, tho' left almoſt alone, he ſeemed ſtill determined to maintain the combat; when John de Hainault ſeized the reins of his bridle, turned about his horſe, and carried him off the field of battle. The whole French army took to flight, and were followed and put to the ſword without mercy by the enemy; till the darkneſs of night put an end to the purſuit. The King, on his return to the camp, flew into the arms of the prince of Wales, and exclaimed: *My brave ſon: Perſevere in your honourable courſe: You are my ſon; for valiantly have you acquitted yourſelf to day: You have ſhewn yourſelf worthy of empire* [d].

[b] Froiſſart, liv. 1. chap. 130. [c] Ibid. [d] Ibid. chap. 131.

THIS

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THIS battle, which is known by the name of the battle of Crecy, began after three o'clock in the afternoon, and continued till evening. The next morning was foggy; and as the Engliſh obſerved, that many of the enemy had loſt their way in the night and in the miſt, they employed a ſtratagem to bring them into their power: They erected on the eminences ſome French ſtandards which they had taken in the battle; and all, who were allured by this falſe ſignal, were put to the ſword, and no quarter given them. In excuſe for this inhumanity, it was alledged that the French King had given out like orders to his troops; but the real reaſon probably was, that the Engliſh, in their preſent ſituation, did not care to be encumbered with priſoners. On the day of battle, and on the enſuing, there fell, by a moderate computation, 1200 knights, 1400 gentlemen, 4000 men at arms, beſides about 30,000 men of inferior rank[e]. Many of the principal nobility of France, the dukes of Lorraine and Bourbon, the earls of Flanders, Blois, Harcourt, Vaudemont, Aumale, were left on the field of battle. The Kings alſo of Bohemia and Majorca were ſlain; The fate of the former was remarkable: He was blind from age; but being reſolved to hazard his perſon, and ſet an example to others, he ordered the reins of his bridle to be tied on each ſide to the horſes of two gentlemen of his train; and his dead body, and thoſe of his attendants, were afterwards found among the ſlain, with their horſes ſtanding by them in that ſituation[f]. His creſt was three oſtrich feathers; and his motto theſe German words, *Ich dien, I ſerve:* Which the prince of Wales and his ſucceſſors adopted in memorial of this great victory. The action may ſeem no leſs remarkable for the ſmall loſs ſuſtained by the Eng-

[e] Froiſſart, liv. 1. chap 131. Knyghton, p. 2588.
[f] Froiſſart, liv. 1. chap. 130. Walſingham, p. 166.

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liſh than for the great ſlaughter of the French: There were killed in it only one eſquire and three knights [e], and very few of inferior rank; a demonſtration, that the prudent diſpoſition made by Edward, and the diſorderly attack of the French, had rendered the whole rather a rout than a battle, which was indeed the common caſe with engagements in thoſe times.

THE great prudence of Edward appeared not only in obtaining this memorable victory, but in the meaſures, which he purſued after it. Not elated by his preſent proſperity ſo far as to expect the total conqueſt of France, or even that of any conſiderable provinces; he propoſed only to ſecure an eaſy entrance into that kingdom, which might afterwards open the way to more moderate advantages. He knew the extreme diſtance of Guienne: He had experienced the difficulty and uncertainty of penetrating on the ſide of the Low Countries, and had already loſt much of his authority over Flanders by the death of d'Arteville, who had been murdered by the populace themſelves, his former partizans, on his attempting to transfer the ſovereignty of that province to the prince of Wales [f]. The King, therefore, limited his ambition to the conqueſt of Calais; and after the interval of a few days, which he employed in interring the ſlain, he marched with his victorious army, and preſented himſelf before that place.

JOHN DE VIENNE, a valiant knight of Burgundy, was governor of Calais, and being ſupplied with every thing neceſſary for defence, he encouraged the townſmen to perform to the utmoſt their duty to their King and country. Edward therefore, ſenſible from the beginning, that it was in

[e] Knyghton, p. 2588.

[f] Froiſſart, liv. 1. chap. 116.

vain

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vain to attempt the place by force, propoſed only to reduce it by famine: He choſe a ſecure ſtation for his camp; drew entrenchments around the whole city; raiſed huts for his ſoldiers, which he covered with ſtraw or broom; and provided his army with all conveniencies, to make them endure the winter ſeaſon, which was approaching. As the governor ſoon perceived his intention, he put out all the uſeleſs mouths, and the King had the generoſity to allow theſe unhappy people to paſs thro' his camp, and he even ſupplied them with money for their journey [g].

WHILE Edward was employed in this ſiege, which continued near a twelvemonth, there paſſed in different places many other events; and all to the honour of the Engliſh arms.

THE retreat of the duke of Normandy from Guienne left the earl of Derby maſter of the field; and he was not negligent in making his advantage of the ſuperiority. He took Mirebeau by aſſault: He made himſelf maſter of Luſignan in the ſame manner: Taillebourg and St. Jean de Angeli fell into his hands: Poictiers opened its gates to him; and Derby having thus broken down all the frontiers on that quarter, carried his incurſions to the banks of the Loire, and filled that quarter of France with horror and devaſtation [h].

THE flames of war were at the ſame time kindled in Brittany. Charles de Blois invaded that province with a conſiderable army, and inveſted the fortreſs of Roche de Rien; but the counteſs of Mountfort, reinforced by ſome Engliſh troops

[g] Froiſſart, liv. 1. chap. 133. [h] Ibid. chap. 136.

under

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under ſir Thomas Dagworth, attacked him during the night in his entrenchments, diſperſed his army, and took himſelf priſoner[i]. His wife, by whom he enjoyed his pretenſions to Brittany, compelled by the preſent neceſſity, took on her the government of the party, and proved herſelf a rival in every ſhape and an antagoniſt to the counteſs of Mountfort, both in the field and in the cabinet. And while theſe heroic dames preſented this extraordinary ſcene to the world, another princeſs in England, of ſtill higher rank, ſhowed herſelf no leſs capable of exerting every manly virtue.

War with Scotland.

THE Scottiſh nation, after long ſupporting, with incredible perſeverance, their liberties againſt the ſuperior force of the Engliſh, recalled their King, David Bruce, in 1342. Tho' that prince, neither by his age nor capacity, could bring them great aſſiſtance, he gave them the countenance of ſovereign authority; and as Edward's wars with France proved a great diverſion to his forces, they rendered the balance more equal between the two kingdoms. In all the truces which Edward concluded with Philip, the King of Scotland was comprehended; and when Edward made his laſt invaſion upon France, David was ſtrongly ſolicited by his ally to break alſo the truce, and to invade the northern counties of England. The nobility of his nation being always forward in ſuch incurſions, David ſoon muſtered a great army, entered Northumberland at the head of above 50,000 men, and carried his ravages and devaſtations to the gates of Durham[k]. But queen Philippa, aſſembling a body of little more than 12,000 men[l], which ſhe entruſted to the command of lord Piercy, venture to approach him

[i] Froiſſart, liv. 1. chap. 143. Walſingham, p. 163. Ypod. Neuſt. p. 517, 518.
[k] Froiſſart, liv. 1. chap. 137. [l] Ibid. chap. 138.

at

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at Neville's Croſs near that city; and riding thro' the ranks of the army, exhorted every man to do his duty, and to take revenge on theſe barbarous ravagers[m]: Nor could ſhe be perſuaded to leave the field, till the armies were on the point of engaging. The Scots have been often unfortunate in the great pitched battles which they fought with the Engliſh; and that tho' they commonly declined ſuch engagements where the ſuperiority of numbers was not on their ſide: But never did they receive a more fatal blow than the preſent. They were broken and chaced off the field: Fifteen thouſand of them, ſome hiſtorians ſay twenty thouſand, were ſlain; among whom were Edward Keith, earl Mareſchal, and ſir Thomas Charteris, chancellor: And the King himſelf was taken priſoner, with the earls of Southerland, Fife, Monteith, Carric, lord Douglas, and many other noblemen[n].

1346. 17th Octob.

Captivity of the King of Scots.

PHILIPPA, having ſecured her royal priſoner in the Tower[o], croſſed the ſea at Dover; and was received in the Engliſh camp before Calais with all the triumph, which was due to her rank, her merit, and her ſucceſs. This age was the reign of chivalry and gallantry: Edward's court excelled in theſe accompliſhments as much as in policy and arms: And if any thing could juſtify the obſequious devotion then profeſſed to the fair ſex, it muſt be the appearance of ſuch extraordinary women as ſhone forth during that period.

THE town of Calais had been defended with remarkable vigilance, conſtancy and bravery by the townſmen, during a ſiege of unuſual length: But Philip, informed of their diſtreſt

1347. Calais taken.

[m] Froiſſart, liv. 1. chap. 138. [n] Ibid. chap. 139.
[o] Rymer, vol. v. p. 537.

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condition, determined at laſt to attempt their relief; and he approached the Engliſh with an immenſe army, which the writers of that age make amount to 200,000 men. But he found Edward ſo ſurrounded with moraſſes, and ſecured by entrenchments, that without running on inevitable deſtruction, he concluded it impoſſible to make an attempt on the Engliſh camp. He had no other reſource than to ſend his rival a vain challenge to meet him in the open field; which being refuſed, he was obliged to decamp with his army, and diſperſe them into their ſeveral provinces [p].

JOHN DE VIENNE, the governor of Calais, now ſaw the neceſſity of ſurrendering his fortreſs, which was reduced to the laſt extremity by famine and the fatigue of the inhabitants. He appeared on the walls, and made a ſignal to the Engliſh ſentinels that he deſired a conference. Sir Walter Manny was ſent to him by Edward. "Brave knight," cried the governor, "I have been entruſted by my ſovereign with the command of "this town: It is almoſt a year ſince you beſieged me; and I "have endeavoured, as well as thoſe under me, to do our "duty. But you are acquainted with our preſent condition: "We have no hopes of relief; we are periſhing with hunger; "I am willing therefore to ſurrender, and deſire, as the ſole "condition, to enſure the lives and liberties of theſe brave "men, who have ſo long ſhared with me every danger and "fatigue [q]."

MANNY replied, that he was well acquainted with the King of England's intentions; that that prince was incenſed againſt

[p] Froiſſart, liv. 1. chap. 144, 145. Aveſbury, p. 161, 162.
[q] Froiſſart liv. 1. chap. 146.

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the townſmen of Calais for their pertinacious reſiſtance, and for the evils which they had made him and his ſubjects ſuffer; that he was determined to take exemplary vengeance of them; and would not receive the town on any condition which ſhould confine him in the puniſhment of theſe offenders. "Conſider," replied Vienne, "that this is not the treatment to which "brave men are intitled: If any Engliſh knight had been in "my ſituation, your King would have expected the ſame con-"duct from him. The inhabitants of Calais have done for "their ſovereign what merits the eſteem of every prince; "much more of ſo gallant a prince as Edward. But I inform "you, that, if we muſt periſh, we ſhall not periſh unrevenged; "and that we are not yet ſo reduced, but we can ſell our lives "at a high price to the victors. It is the intereſt of both ſides "to prevent theſe deſperate extremities; and I expect, that "you yourſelf, brave knight, will interpoſe your good offices "with your prince in our behalf."

MANNY was ſtruck with the juſtneſs of theſe ſentiments, and repreſented to the King the danger of repriſals, if he ſhould give ſuch treatment to the inhabitants of Calais. Edward was at laſt perſuaded to mitigate the rigor of the conditions demanded: He only inſiſted, that ſix of the moſt conſiderable citizens ſhould be ſent him to be diſpoſed of as he thought proper; that they ſhould come to his camp carrying the keys of the city in their hands, bareheaded and barefooted, with ropes about their necks: And on theſe conditions, he promiſed to ſpare the lives of all the remainder[s].

[s] Froiſſart, liv. 1. chap. 146.

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When this intelligence was conveyed to Calais, it ſtruck the inhabitants with new conſternation. To ſacrifice ſix of their fellow citizens to certain deſtruction, for ſignalizing their valour in a common cauſe, appeared to them even more ſevere than that general puniſhment, with which they were before threatened; and they found themſelves incapable of coming to any reſolution in ſo cruel and diſtreſsful a ſituation. At laſt one of the principle inhabitants called Euſtace de St. Pierre, whoſe name deſerves to be recorded, ſtept forth, and declared himſelf willing to encounter death for the ſafety of his friends and companions: Another, animated by his example, made a like generous offer: A third and a fourth preſented themſelves to the ſame fate; and the whole number required was ſoon compleated. Theſe ſix heroic burgeſſes appeared before Edward in the guiſe of malefactors, laid at his feet the keys of their city, and were ordered to be led to execution. It is ſurprizing, that ſo generous a prince ſhould ever have entertained ſuch a barbarous purpoſe againſt ſuch men; and ſtill more that he ſhould ſeriouſly perſiſt in the reſolution of executing it[t]. But the entreaties of his queen ſaved his memory from that infamy: She threw herſelf on her knees before him, and with tears in her eyes begged the lives of theſe citizens. Having obtained her requeſt, ſhe carried them into her tent, ordered a repaſt to be ſet before them, and after making them a preſent of money and cloaths, diſmiſſed them in ſafety[u].

[t] This ſtory of the ſix burghers of Calais, like all other extraordinary ſtories, is ſomewhat to be ſuſpected; and ſo much the more as Aveſbury, p. 167, who is particular in his narration of the ſurrender of Calais, ſays nothing of it; and on the contrary extols in general the King's generoſity and lenity to the inhabitants.

[u] Froiſſart, liv. 1. chap. 146.

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THE King took poſſeſſion of Calais; and immediately executed an act of rigor, more juſtifiable becauſe more neceſſary, than that which he had before reſolved on. He knew that notwithſtanding his pretended title to the crown of France, every Frenchman regarded him as a mortal enemy; and he therefore ordered all the inhabitants of Calais to evacuate the town, and he peopled it anew with Engliſh; a policy which probably preſerved ſo long to his ſucceſſors the dominion of that important fortreſs. He made it the ſtaple of wool, leather, tin, and lead; the four chief, if not the ſole commodities of the kingdom, for which there was any conſiderable demand in foreign markets. All the Engliſh were obliged to bring thither theſe goods: Foreign merchants came to the ſame place in order to purchaſe them: And at a period, when poſts were not eſtabliſhed, and when the communication between ſtates were ſo imperfect, this inſtitution, tho' it hurt the navigation of England, was perhaps of advantage to the kingdom. 1347. 4th Aug.

THRO' the mediation of the Pope's legates, Edward concluded a truce with France; but even during this ceſſation of arms, he had very nearly loſt Calais, the ſole fruit of all his boaſted victories. The King had entruſted that place to the command of Aimery de Pavie, an Italian, who had diſcovered bravery and conduct in the wars, but was utterly devoid of every principle of honour and fidelity. This man agreed to deliver up Calais for the ſum of 20,000 crowns; and Geoffrey de Charni, who commanded the French forces in thoſe quarters, and who knew, that, if he ſucceeded in this ſervice, he ſhould not be diſavowed, ventured, without conſulting his maſter, to conclude the bargain with him. Edward, informed of this treachery, by means of Aimery's ſecretary, ſummoned the go- 1348.

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1348. vernor to London on other pretences; and having charged him with the guilt, promiſed him his life, but on condition, that he would turn the contrivance to the deſtruction of the enemy. The Italian eaſily agreed to this double treachery. A day was appointed for the admiſſion of the French; and Edward, having prepared a force of about a thouſand men, under ſir Walter Manny, ſecretly departed from London, carrying with him the prince of Wales; and without being ſuſpected, arrived the evening before at Calais. He made a proper diſpoſition for the reception of the enemy; and kept all his forces and the garriſon under arms. On the appearance of Charni, a choſen troop of French ſoldiers was admitted at the poſtern, and Aimery, receiving the ſtipulated ſum, promiſed, that with their aſſiſtance he would immediately open the great gate to the army, who were waiting with impatience for the fulfilling of his engagement. All the French, who entered, were immediately

1349. 1ſt Jan. ſlain or taken priſoners: The great gate opened: Edward ruſhed forth with cries of battle and of victory: The French, tho' aſtoniſhed at the event, behaved with valour: A fierce and bloody engagement enſued. As the morning broke, the King, who was not diſtinguiſhed by his arms, and who fought as a private man under the ſtandard of ſir Walter Manny, remarked a French gentleman, called Euſtace de Ribaumont, who exerted himſelf with ſingular vigour and bravery; and he was ſeized with a deſire of trying a ſingle combat with him. He ſtept forth from his troop, and challenging Ribaumont by name, (for he was known to him) began a ſharp and dangerous encounter. He was twice beat to the ground by the valour of the Frenchman: He twice recovered himſelf: Blows were redoubled with equal force on both ſides: The victory was long undecided: Till Ribaumont, perceiving himſelf to be left

almoſt

almoſt alone, called out to his antagoniſt, *Sir knight, I yield myſelf your priſoner;* and at the ſame time delivered his ſword to the King. Moſt of the French, being overpowered by numbers, and intercepted in their retreat, were either ſlain or taken priſoners [w]. CHAP. XV. 1349.

THE French officers, who had fallen into the hands of the Engliſh, were conducted into Calais; where Edward diſcovered to them the antagoniſt with whom they had had the honour to be engaged, and treated them with great regard and courteſy. They were admitted to ſup with the prince of Wales, and the Engliſh nobility; and after ſupper, the King himſelf came into the apartment, and went about, converſing familiarly with one or other of his priſoners. He even addreſſed himſelf in an obliging manner to Charni, and avoided reproaching him with the treacherous attempt, which he had made upon Calais during the truce: But he openly beſtowed the higheſt encomiums on Ribaumont; called him the moſt valorous knight whom he had ever been acquainted with; and confeſſed, that he had at no time been in ſo great danger as when engaged in combat with him. He then took a ſtring of pearl, which he wore about his own head, and throwing it over the head of Ribaumont, he ſaid to him, "Sir Euſtace, I beſtow this preſent upon "you, as a teſtimony of my eſteem for your bravery: And I "deſire you to wear it a year for my ſake: I know you to be "gay and amorous; and to take delight in the company of "ladies and damſels: Let them all know from what hand you "had the preſent: You are no longer a priſoner; I acquit you "of your ranſom; and you are at liberty to-morrow to diſpoſe "of yourſelf as you think proper."

[w] Froiſſart, liv. 1. chap. 140, 141, 142.

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NOTHING can more evidently prove the vaſt ſuperiority aſſumed by the nobility and gentry above all the other orders of men during thoſe ages, than the extreme difference which Edward made in his treatment of theſe French knights, and that of the ſix citizens of Calais, who had exerted more ſignal bravery in a cauſe more juſtifiable and more honourable.

CHAP. XVI.

EDWARD III.

Inſtitution of the garter——State of France——Battle of Poictiers——Captivity of the King of France——State of that kingdom——Invaſion of France——Peace of Bretigni——State of France——Expedition into Caſtile——Rupture with France——Ill ſucceſs of the Engliſh——Death of the prince of Wales——Death——and character of the King——Miſcellaneous tranſactions in this reign.

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THE prudent conduct and great ſucceſs of Edward in his foreign wars had excited a ſtrong emulation and a military genius among the Engliſh nobility; and theſe turbulent barons, over-awed by the crown, gave now a more uſeful direction to their ambition, and attached themſelves to a prince, who led them to the acquiſition of glory and of riches. That he might further promote the ſpirit of emulation and obedience, the King inſtituted the order of the garter, in imitation of ſome orders of a like nature, religious as well as military, which had been eſtabliſhed in different countries of Europe. The number received into this order conſiſted of twenty-four perſons, beſides the ſovereign; and as it has never been enlarged, this badge of diſtinction continues as honourable as at its firſt inſtitution, and is ſtill a valuable, tho' a cheap, preſent, which the prince can confer on his greateſt ſubjects. A vulgar ſtory prevails, but is not ſupported by any antient authority, that, at a court-

1349. Inſtitution of the garter.

ball,

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ball, Edward's miſtreſs, commonly ſuppoſed to be the counteſs of Saliſbury, dropt her garter; and the King, taking it up, obſerved ſome of the courtiers to ſmile, as if they thought, that he had not obtained this favour merely by accident: Upon which he called out, *Honi ſoit qui mal y penſe*, Evil to him that evil thinks; and as every incident of gallantry among theſe antient warriors was magnified into a matter of great importance [z], he inſtituted the order of the garter in memorial of this event, and gave theſe words as the motto of the order. This origin, tho' frivolous, is not unſuitable to the manners of the times; and it is indeed difficult by any other means to account either for the ſeemingly unmeaning terms of the motto, or for the peculiar badge of the garter, which ſeems to have no reference to any purpoſe either of military uſe or ornament.

BUT a ſudden damp was thrown over this feſtivity and triumph of the court of England, by a deſtructive peſtilence, which invaded that kingdom as well as the reſt of Europe; and is computed to have ſwept away near a third of the inhabitants in every country, which it attacked. It was probably more fatal in great cities than in the country; and above fifty

[z] There was a ſingular inſtance about this time of the prevalence of chivalry and gallantry in the nations of Europe. A ſolemn duel of thirty knights againſt thirty was fought between Bembrough, an Engliſhman, and Beaumonoir, a Breton, of the party of Charles de Blois. The knights of the two nations came into the field; and before the combat began, Beaumonoir called out, that it would be ſeen that day *who had the faireſt miſtreſſes*. After a bloody combat the Bretons prevailed; and gained for their prize, full liberty to boaſt of their miſtreſſes beauty. It is remarkable, that two ſuch famous generals as ſir Robert Knolles, and ſir Hugh Calverley, drew their ſwords in this ridiculous conteſt. See Pere Daniel, vol. ii. p. 536, 537, &c. The women not only inſtigated the champions to theſe rough, if not bloody frays of tournament; but alſo frequented the tournaments during all the reign of Edward, whoſe ſpirit of gallantry encouraged this practice. See Knyghton, p. 2597.

thouſand

thouſand ſouls are ſaid to have periſhed by it in London alone [a]. This malady diſcovered itſelf firſt in the north of Aſia, was ſpread over all that country, made a progreſs from one end of Europe to another, and ſenſibly depopulated every ſtate thro' which it paſſed. So grievous a calamity, more than any cordiality among the princes, ſerved to maintain and prolong the truce between France and England.

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During this truce, Philip de Valois died, without being able to re-eſtabliſh the affairs of France, which his bad ſucceſs againſt England had thrown into the moſt extreme diſorder. This monarch, during the firſt years of his reign, had obtained the appellation of *Fortunate*, and acquired the character of prudent; but he ill maintained either the one or the other; leſs from his own fault, than becauſe he was overmatched by the ſuperior fortune and ſuperior genius of Edward. But the incidents in the reign of his ſon, John, gave the French nation reaſon to regret even the calamitous times of his predeceſſor. John was diſtinguiſhed by many virtues, particularly a ſcrupulous honour and fidelity: He was not deficient in perſonal courage: But as he wanted that maſterly prudence and foreſight, which his difficult ſituation required, his kingdom was at the ſame time convulſed by inteſtine commotions, and oppreſſed with foreign wars. The chief ſource of all its calamities, was Charles King of Navarre, who received the epithet of the *bad* or *wicked*, and whoſe actions fully entitled him to that appellation. This prince was deſcended from males of the blood royal of France;

1350.

1354. State of France.

[a] Stowe's Survey, p. 478. There were buried 50,000 bodies in one church-yard, which ſir Walter Manny had bought for the uſe of the poor. The ſame author ſays, that there died above 50,000 perſons of the plague in Norwich, which is quite incredible.

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his mother was a daughter of Lewis Hutin; he had himſelf eſpouſed a daughter of King John: But all theſe ties, which ought to have connected him with the throne, gave him only greater ability to ſhake and overthrow it. In his perſonal qualities, he was courteous, affable, engaging, eloquent; full of inſinuation and addreſs; inexhauſtible in his reſources; active and enterpriſing. But theſe ſplendid accompliſhments were at the ſame time attended with ſuch defects, as rendered them pernicious to his country, and even ruinous to himſelf: He was fickle, inconſtant, faithleſs, revengeful, malicious: Reſtrained by no principle or duty: Inſatiable in his pretenſions: And whether ſucceſsful or unfortunate in one enterprize, he immediately undertook another, in which he was never deterred from employing the moſt criminal and moſt diſhonourable expedients.

THE conſtable d'Eu, who had been taken priſoner by Edward at Caen, recovered his liberty, on the promiſe of delivering to that prince, as his ranſom, the town of Ghiſnes, near Calais, of which he was ſuperior lord: But as John was offended at this ſtipulation, which, if fulfilled, opened ſtill farther that frontier to the enemy, and as he ſuſpected the conſtable of more dangerous connections with the King of England, he ordered him to be ſeized, and without any legal or formal trial, put him to death in priſon. Charles de la Cerda was appointed conſtable in his place; and had a like fatal end: The King of Navarre ordered him to be aſſaſſinated; and ſuch was the weakneſs of the crown, that this prince, inſtead of dreading puniſhment, would not ſo much as agree to aſk pardon for his offence, but on condition, that he received an acceſſion of territory: And he had alſo John's ſecond ſon put into his hands, as a ſecurity for

for his perſon, when he came to court, and performed this act of mock penitence and humiliation before his ſovereign [b]. CHAP. XVI.

THE two French princes ſeemed entirely reconciled; but this diſſimulation, to which John ſubmitted from neceſſity, and Charles from habit, did not long continue; and the King of Navarre knew, that he had reaſon to apprehend the moſt ſevere vengeance for the many crimes and treaſons which he had already committed, and the ſtill greater, which he was meditating. To enſure himſelf of protection, he entered into a ſecret correſpondence with England, by means of Henry earl of Derby, now earl of Lancaſter, who at that time was employed in fruitleſs negociations for peace in Avignon, under the mediation of the Pope. John diſcovered this correſpondence; and to prevent the fatal effects of it, he ſent down forces into Normandy, the chief ſeat of the King of Navarre's power, and attacked his caſtles and fortreſſes. But hearing that Edward had prepared an army to ſupport his ally, he had the weakneſs to propoſe an accommodation with Charles, and even to give this traiterous ſubject the ſum of a hundred thouſand crowns, as the purchaſe of a feigned reconcilement, which rendered him ſtill more dangerous. The King of Navarre, inſolent from paſt impunity, and deſperate from the dangers, which he apprehended, continued ſtill his intrigues; and aſſociating himſelf with Geoffrey d'Harcourt, who had received his pardon from Philip de Valois, but perſevered ſtill in his factious diſpoſitions, he encreaſed the number of his partizans in every part of the kingdom. He even ſeduced by his addreſs, Charles, the King of France's eldeſt ſon, a youth of ſeventeen years of age, who was the firſt that bore the appellation of 1355.

[b] Froiſſart, liv. 1. chap. 144.

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Dauphin, by the re-union of the province of Dauphiny to the crown. But this prince, being made ſenſible of the danger and folly of theſe connections, promiſed to make atonement for the offence by the ſacrifice of his aſſociates; and in concert with his father, he invited the King of Navarre, and other noblemen of the party, to a feaſt at Roüen, where they were betrayed into the hands of John. Some of the moſt obnoxious were immediately led to execution; the King of Navarre was thrown into priſon [c]: But this ſtroke of ſeverity in the King, and of treachery in the Dauphin, was far from proving deciſive in maintaining the royal authority. Philip of Navarre, brother to Charles, and Geoffrey d'Harcourt, put all the towns and caſtles belonging to that prince in a poſture of defence; and had immediate recourſe to the protection of England in this deſperate extremity.

THE truce between the two kingdoms, which had always been very ill obſerved on both ſides, was now expired; and Edward was entirely free to ſupport the French malcontents. Well pleaſed, that the factions in France had at laſt gained him ſome partizans in that kingdom, which his pretenſions to the crown had never been able to procure him, he propoſed to attack his enemy both on the ſide of Guienne, under the command of the prince of Wales, and on that of Calais, in his own perſon.

YOUNG Edward arrived in the Garronne with his army, on board a fleet of three hundred ſail, attended by the earls of Warwic, Saliſbury, Oxford, Suffolk, and other Engliſh noblemen. Being joined by the vaſſals of Gaſcony, he took the

[c] Froiſſart, liv. 1. chap. 146. Aveſbury, p. 243.

field;

field; and as the preſent diſorders in France prevented every proper plan of defence, he carried on with impunity his ravages and devaſtations, according to the mode of war in that age. He reduced all the villages and ſeveral towns in Languedoc to aſhes: He preſented himſelf before Thouloufe; paſſed the Garronne, and burned the ſuburbs of Carcaſſonne; advanced even to Narbonne, laying every thing waſte around him: And after an incurſion of ſix weeks, returned with a vaſt booty and many priſoners to Guienne, where he took up his winter quarters [d]. The conſtable of Bourbon, who commanded in thoſe provinces, received orders, though at the head of a ſuperior army, on no account to run the hazard of a battle.

CHAP. XVI. 1355.

THE King of England's incurſion from Calais was of the ſame nature, and attended with the ſame iſſue. He broke into France at the head of a numerous army; to whom he gave a full licence of plundering and ravaging the open country. He advanced to St. Omer, where the King of France was poſted; and on the retreat of that prince, followed him to Heſdin [e]. John ſtill kept at a diſtance, and declined an engagement: But in order to ſave his reputation, he ſent Edward a challenge to fight a pitched battle with him; an uſual bravade in that age, derived from the practice of ſingle combat, and ridiculous in the art of war. The King, finding no ſincerity in this defiance, retired to Calais, and thence went over to England, in order to defend that kingdom againſt a threatened invaſion of the Scots.

THE Scots, taking advantage of the King's abſence, and that of the military power of England, had ſurprized Berwic; and

[d] Froiſſart, liv. 1. chap. 144, 146. Walſing. p. 171.

[e] Ibid. chap. 144. Aveſbury, p. 206.

had

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had collected an army with a view of committing ravages upon the northern provinces: But on the approach of Edward, they abandoned that place, which was not tenable, while the caſtle was in the hands of the Engliſh; and retiring to their mountains, gave the enemy a full liberty of burning and deſtroying the whole country from Berwic to Edinburgh [f]. Baliol attended Edward on this expedition; but finding, that his conſtant adherence to the Engliſh had given his countrymen an unconquerable averſion to his title, and that he himſelf was declining through age and infirmities, he finally reſigned into the King's hands his pretenſions to the crown of Scotland [g], and received in lieu of them an annual penſion of 2000 pounds, with which he paſſed the remainder of his life in privacy and retirement.

1355.

DURING theſe military operations, Edward received information of the encreaſing diſorders in France, ariſing from the ſeizure of the King of Navarre; and he ſent Lancaſter at the head of a ſmall army, to ſupport his partizans in Normandy. The war was conducted with various ſucceſs; but chiefly to the diſadvantage of the French malcontents; till an important event happened in the other quarter of the kingdom, which had well nigh proved fatal to the monarchy of France, and threw every thing into the utmoſt confuſion.

1356. THE prince of Wales, encouraged by the ſucceſs of the preceding campaign, took the field with an army, which no hiſtorian makes amount to above 12,000 men, and of which not a third were Engliſh; and with this ſmall body, he ventured to penetrate into the heart of France. After ravaging the Age-

[f] Walſing. p. 171. [g] Rymer, vol. v. p. 823. Ypod. Neuſt. p. 521.

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nois, Quercy, and the Limouſin, he entered the province of Berry; and made ſome attacks, tho' without ſucceſs, on the towns of Bourges and Iſſoudun. It appeared, that his intentions were to march into Normandy, and to join his forces with thoſe of the duke of Lancaſter, and the partizans of the King of Navarre; but finding all the bridges on the Loire broken down, and every paſs carefully guarded, he was obliged to think of making his retreat into Guienne [h]. He found this reſolution the more neceſſary, from the intelligence which he received of the King of France's motions. That monarch, provoked at the inſult offered him by this incurſion, and entertaining hopes of ſucceſs from the young prince's temerity, collected a great army of above 60,000 men, and advanced with haſty marches to intercept his enemy. The prince, not aware of John's near approach, loſt ſome days, on his retreat, before the caſtle of Remorantin [i]; and thereby gave the French an opportunity of overtaking him. They came within ſight at Maupertuis near Poictiers; and Edward, ſenſible that his retreat was now become impracticable, prepared for battle with all the courage of a young hero, and with all the prudence of the oldeſt and moſt experienced commander.

Battle of Poictiers.

But the utmoſt prudence and courage would have proved inſufficient to ſave him in this extremity, had the King of France known how to make uſe of his preſent advantages. His great ſuperiority in numbers enabled him to ſurround the enemy; and by intercepting all their proviſions, which were already become ſcarce in the Engliſh camp, to reduce this ſmall army, without a blow, to the neceſſity of ſurrendering at diſcretion. But ſuch was the impatient ardour of the French

[h] Walſing. p. 171.

[i] Froiſſart, liv. 1. chap. 158. Walſing. p. 171.

nobility,

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nobility, and ſo much had their thoughts been bent on overtaking the Engliſh as their ſole object, that this idea never ſtruck any of the commanders; and they immediately took meaſures for the aſſault, as for a certain victory. While the French army was drawn up in order of battle, they were ſtopped by the appearance of the cardinal of Perigord; who, having learned the approach of the two armies to each other, had haſtened, by interpoſing his good offices, to prevent any farther effuſion of Chriſtian blood. By John's permiſſion, he carried propoſals to the prince of Wales; and found him ſo ſenſible of the bad poſture of his affairs, that an accommodation ſeemed not impracticable. Edward told him, that he would agree to any terms conſiſtent with his own honour and that of England; and he offered to purchaſe a retreat by reſigning all the conqueſts, which he had made during this and the former campaign, and by ſtipulating not to ſerve againſt France during the courſe of ſeven years. But John, imagining that he had now got into his hands a ſufficient pledge for the reſtitution of Calais, required that Edward ſhould ſurrender himſelf priſoner with a hundred of his attendants; and offered on theſe terms a ſafe retreat to the Engliſh army. The prince rejected the propoſal with diſdain; and declared, that whatever fortune ſhould attend him, England ſhould never be obliged to pay the price of his ranſom. This reſolute anſwer cut off all hopes of accommodation; but as the day was already ſpent in negociating, the battle was delayed till the next morning [1].

THE cardinal of Perigord, as all the prelates of the court of Rome, was extremely attached to the French cauſe; but the

[1] Froiſſart, liv. 1. chap. 161.

moſt

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1356. 19th Sept.

moſt determined enemy could not have contrived a greater prejudice to John's affairs, than he did them by this delay. The prince of Wales had leiſure, during the night, to ſtrengthen, by new intrenchments, the poſt which he had before ſo judiciouſly choſen; and he contrived an ambuſh of 300 men at arms, and as many archers, whom he put under the command of the Captal de Buche, and ordered to make a circuit, that they might fall on the flank or rear of the French army during the engagement. The van of his army was commanded by the earl of Warwic, the rear by the earls Saliſbury and Suffolk, the main body by the prince himſelf. The lords Chandos, Audeley, and many other brave and experienced commanders, were at the head of different corps of his army.

JOHN alſo arranged his forces in three diviſions, nearly equal: The firſt was commanded by the duke of Orleans, the King's brother; the ſecond by the Dauphin attended with his two younger brothers; the third by the King himſelf, who had by his ſide Philip, his fourth ſon and favourite, then about fourteen years of age. There was no reaching the Engliſh army but thro' a narrow lane, covered on each ſide by hedges; and in order to open this paſſage, the mareſchals, Andrehen and Clermont, were ordered to advance with a ſeparate detachment of men at arms. While they marched along the lane, a body of Engliſh archers, who lined the hedges, plyed them on each ſide with their arrows; and being very near them, yet placed in perfect ſafety, they coolly took their aim againſt the enemy, and maſſacred them with impunity. The French detachment, much diſcouraged with the unequal fight, and diminiſhed in their number, arrived at the end of the lane, where they met on the open grounds the prince of Wales himſelf, at the head of

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a chosen body, ready for their reception. They were discomfited and overthrown: One of the mareschals was slain; the other taken prisoner: And the remainder of the detachment, who were still in the lane, and exposed to the shot of the enemy, without being able to make resistance, recoiled upon their own army, and put every thing into disorder[m]. In that critical moment, the Captal de Buche unexpectedly appeared, and attacked in flank the Dauphin's line, which fell into some confusion. Landas, Bodenai, and St. Venant, to whom the care of that young prince and his brothers had been committed, too anxious for their charge or for their own safety, carried them off the field of battle, and set the example of flight, which was followed by that whole division. The duke of Orleans, seized with a like panic, and imagining all was lost, thought no longer of fighting, but carried off his division by a retreat, which soon turned into a flight. The lord Chandos called out to the prince, that the day was won; and encouraged him to attack the division, under King John, which, tho' more numerous than the whole English army, were somewhat dismayed with the precipitate flight of their companions. John here made the utmost efforts to retrieve by his valour, what his imprudence had betrayed; and the only resistance made that day was by his line of battle. The prince of Wales fell with impetuosity on some German cavalry placed in the front, and commanded by the counts of Sallebruche, Nydo, and Nosto: A fierce battle ensued: The one side were encouraged by the near prospect of so great a victory: The other were retained by the shame of quitting the field to an enemy so much inferior: But the three German generals, together with the duke

[m] Froissart, liv. 1. chap. 162.

3 of

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of Athens, conſtable of France, falling in battle, that body of cavalry gave way, and left the King himſelf expoſed to the whole fury of the enemy. The ranks were every moment thinned around him: The nobles fell by his ſide, one after another: His ſon, ſcarce fourteen years of age, received a wound, while he was fighting valiantly in defence of his father: The King himſelf, ſpent with fatigue, and overwhelmed by numbers, might eaſily have been diſpatched; but every Engliſh gentleman, ambitious of taking alive the royal priſoner, ſpared him in the action, called to him to ſurrender himſelf, and offered him quarter: Several who attempted to ſeize him, ſuffered for their temerity. He ſtill cried out, *Where is my couſin, the prince of Wales?* and ſeemed unwilling to become priſoner to any perſon of inferior rank. But being told, that the prince was at a great diſtance on the field, he threw down his gauntlet, and yielded himſelf to Dennis de Morbec, a knight of Arras, who had been obliged to fly his country for murder. His ſon was taken with him [n].

Captivity of the King of France.

THE prince of Wales, who had been carried away in purſuit of the flying enemy, finding the field entirely clear, had ordered a tent to be pitched, and was repoſing himſelf after the toils of battle; enquiring ſtill with great anxiety concerning the fate of the French monarch. He diſpatched the earl of Warwic to bring him intelligence, and that nobleman came happily in time to ſave the life of the captive prince, which was expoſed to greater danger than it had been during the heat of action. The Engliſh had taken him by violence from Morbec: The Gaſcons claimed the honour of detaining the priſoner: And ſome brutal ſoldiers, rather than yield the prize to their rivals,

[n] Rymer, vol. vi. p. 72, 154. Froiſſart, liv. 1. chap. 164.

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had threatened to put him to death [o]. Warwic overawed both parties, and approaching the King with great demonſtrations of reſpect, offered to conduct him to the prince's tent.

HERE commences the real and truly admirable heroiſm of Edward: For victories are vulgar things in compariſon of that moderation and humanity diſcovered by a young prince of twenty-ſeven years of age, not yet cooled from the fury of battle, and elated by as extraordinary and as unexpected ſucceſs as had ever crowned the arms of any general. He came forth to meet the captive King with all the ſigns of regard and ſympathy; adminiſtered comfort to him amidſt his misfortunes; paid him the tribute of praiſe due to his valour; and aſcribed his own victory merely to the blind chance of war or to a ſuperior providence, which controuls all the efforts of human force and prudence [p]. The behaviour of John ſhowed him not unworthy of this courteous treatment: His preſent abject fortune never made him forget a moment that he was a King: More ſenſible to Edward's generoſity than to his own calamities, he confeſſed, that, notwithſtanding his defeat and captivity, his honour was ſtill unimpaired; and that, if he yielded the victory, it was at leaſt gained by a prince of ſuch conſummate valour and humanity.

EDWARD ordered a magnificent repaſt to be prepared in his tent for the priſoner; and he himſelf ſerved the royal captive's table, as if he had been one of his retinue: He ſtood at the King's back during the meal; conſtantly refuſed to take a place at table; and declared, that, being a ſubject, he was too well acquainted with the diſtance between his own rank, and that of

[o] Froiſſart, liv. 1. chap. 164. [p] Poul. Cemil. p. 197.

royal

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royal majeſty, to aſſume ſuch freedom. All his father's pretenſions to the crown of France were now buried in oblivion: John in captivity received the honours of a King, which were refuſed him when ſeated on the throne: His misfortunes, not his title, were reſpected: And the French priſoners, conquered by this elevation of mind, more than by their late diſcomfiture, burſt out into tears of joy and admiration; which were only checked by the reflection, that ſuch genuine and unaltered heroiſm in an enemy muſt certainly in the iſſue prove but the more dangerous to their native country [q].

ALL the Engliſh and Gaſcon knights imitated the generous example ſet them by their prince. The captives were every where treated with humanity, and were ſoon after diſmiſſed on paying moderate ranſoms to the perſons into whoſe hands they had fallen. The extent of their fortunes was conſidered; and an attention was given, that they ſhould ſtill have ſufficient means left, for the future, to perform their military ſervice in a manner ſuitable to their rank and quality. Yet ſo numerous were the noble priſoners, that theſe ranſoms, joined to the ſpoils of the field, were ſufficient to enrich the prince's army; and as they had ſuffered very little in the action, their joy and exultation was complete.

THE prince of Wales conducted his priſoner to Bourdeaux; and not being provided of forces ſo numerous as might enable him to puſh his preſent advantages, he concluded a two years truce with France [r], which was alſo become requiſite, that he might conduct the captive King with ſafety into England. He

[q] Froiſſart, liv. 1. chap. 168.

[r] Rymer, vol. vi. p. 3.

landed

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landed at Southwark, and was met by a prodigious concourſe of people, of all ranks and ſtations. The priſoner was clad in royal apparel, and mounted on a white ſteed, diſtinguiſhed by its ſize and beauty, and by the richneſs of its furniture. The conqueror rode by his ſide in a meaner attire, and carried by a black palfry. In this ſituation, much more glorious than all the inſolent parade of a Roman triumph, he paſſed thro' the ſtreets of London, and preſented the King of France to his father, who advanced to meet him, and received him with the ſame courteſy, as if he had been a neighbouring potentate, that had voluntarily come to pay him a friendly viſit [s]. It is impoſſible, in reflecting on this noble conduct, not to perceive the advantages which reſulted from the otherwiſe whimſical principles of chivalry, and which gave men in thoſe rude times ſome ſuperiority even over people of a more cultivated age and nation.

THE King of France, beſides the generous treatment which he met with in England, had the melancholy conſolation of the wretched, to ſee companions in affliction. The King of Scots had been eleven years a captive in Edward's hands; and the good fortune of this monarch had reduced at once the two neighbouring potentates, with whom he was engaged in war, to be priſoners in his capital. But Edward, finding that the conqueſt of Scotland was nowiſe advanced by the captivity of its ſovereign, and that the government, conducted by Robert Stuart, his heir and nephew, was ſtill able to defend itſelf, conſented to reſtore David Bruce to his liberty, for the ranſom of 100,000 marks ſterling; and that prince delivered the ſons of all his principal nobility, as hoſtages for the payment [t].

[s] Froiſſart, liv. 1. chap. 173.

[t] Rymer, vol. vi. p. 45, 46, 52, 56. Froiſſart, liv. 1. chap. 174. Walſing. p. 173.

MEANWHILE,

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1358. State of France.

MEANWHILE, the captivity of John, joined to the preceding diſorders of the French government, had produced in that country a diſſolution, almoſt total, of civil authority, and had occaſioned confuſions, the moſt horrible and deſtructive, that had ever been experienced in any age or in any nation. The Dauphin, now about eighteen years of age, naturally aſſumed the royal power during his father's captivity; but tho' endowed with excellent abilities, even in ſuch early years, he poſſeſſed neither the experience nor authority requiſite to defend a ſtate, aſſailed at once by foreign power and ſhaken by internal factions. In order to obtain ſupply, he aſſembled the ſtates of the kingdom: That aſſembly, inſtead of ſupporting his adminiſtration, were themſelves ſeized with the ſpirit of confuſion; and laid hold of the preſent opportunity to demand limitations of the prince's power, the puniſhment of paſt malverſations, and the liberty of the King of Navarre. Marcel, provoſt of the merchants and firſt magiſtrate of Paris, put himſelf at the head of the unruly populace; and from the violence and temerity of his character, puſhed them to commit the moſt criminal outrages againſt the royal authority. They detained the Dauphin in a ſort of captivity; they murdered in his preſence Robert de Clermont and John de Conflans, mareſchals of France; they threatened all the other miniſters with a like fate; and when Charles, who was obliged to temporize and diſſemble, made his eſcape from their hands, they levied war againſt him, and openly erected the ſtandard of rebellion. The other cities of the kingdom, in imitation of the capital, ſhook off the Dauphin's authority; took the government into their own hands; and ſpread the diſorder into every province. The nobles, whoſe inclinations led them to adhere to the crown, and were naturally diſpoſed to check theſe tumults, had loſt all their influence;

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influence; and being reproached with cowardice on account of the baſe deſertion of their ſovereign in the battle of Poictiers, were treated with univerſal contempt by the inferior orders. The troops, who, from the deficiency of pay, were no longer retained in diſcipline, threw off all regard to their officers, ſought the means of ſubſiſtence by pillage and robbery, and aſſociating to them all the diſorderly people, with which that age abounded, formed numerous bands, which infeſted all quarters of the kingdom. They laid the open country deſolate; burned and plundered the villages; and by cutting off all means of communication or ſubſiſtence, reduced even the inhabitants of the walled towns to the moſt extreme neceſſity. The peaſants, formerly oppreſſed, and now left unprotected, by their maſters, became deſperate from their preſent miſery; and riſing every where in arms, carried to the laſt extremity thoſe diſorders, which were derived from the ſedition of the citizens and diſbanded ſoldiers [u]. The gentry, hated for their tyranny, were every where expoſed to the violence of popular rage; and inſtead of meeting with regard for their paſt dignity, became only, on that account, the object of more wanton inſult to the mutinous peaſants. They were hunted like wild beaſts, and put to the ſword without mercy: Their caſtles were conſumed with fire, and levelled to the ground: Their wives and daughters were firſt raviſhed, and then murdered: The ſavages proceeded ſo far as to impale ſome gentlemen, and roaſt them alive before a ſlow fire: A body of nine thouſand of them broke into Meaux, where the wife of the Dauphin with above 300 ladies had taken ſhelter: The moſt brutal treatment and moſt atrocious cruelty were juſtly dreaded by this helpleſs company: But the Captal de Buche, tho' in the ſervice of Edward, yet moved by gene-

[u] Froiſſart, liv. 1. chap. 182, 183, 184.

roſity

rosity and by the gallantry of a true knight, flew to their relief, and beat off the peasants with great slaughter. In other civil wars, the opposite factions, falling under the government of their several leaders, commonly preserve still the vestige of some rule and order: But here the wild state of nature seemed to be renewed: Every man was thrown loose and independent of his fellows: And the great multitude of people, which had arisen from the preceding police of civil society, served only to encrease the horrour and confusion of the scene.

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AMIDST these disorders, the King of Navarre made his escape from prison, and presented a dangerous leader to the furious malcontents [x]. But the splendid talents of this prince qualified him only to do mischief, and to encrease the public distractions: He wanted the steadiness and prudence requisite for making his intrigues subservient to his ambition, and forming his numerous partizans into a regular faction. He revived his pretensions, somewhat obsolete, to the crown of France: But while he advanced this claim, he relied entirely on his alliance with the English, who were concerned in interest to disappoint his pretensions, and who, being public and inveterate enemies to the state, served only, by the friendship which they seemingly bore him, to render his cause the more odious. And in all his operations, he acted more like a leader of banditti, than one who aspired to be the head of a regular government, and who was engaged by his station to endeavour the re-establishment of order in the community.

THE eyes, therefore, of all the French, who wished to restore peace to their miserable and desolated country, were

[x] Froissart, liv. 1. chap. 181.

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turned towards the dauphin; and that young prince, tho' not remarkable for his military talents, poſſeſſed ſo much prudence and ſpirit, that he gained daily the aſcendant over all his enemies. Marcel, the ſeditious provoſt, was ſlain, while he was attempting to deliver the city to the King of Navarre and the Engliſh; and the capital immediately returned to its duty[y]. The moſt conſiderable bodies of the mutinous peaſants were diſſipated, and put to the ſword: Some bands of military robbers underwent the ſame fate: And tho' many grievous diſorders ſtill remained, France began gradually to aſſume the face of a regular civil government, and to form ſome plan for its defence and ſecurity.

DURING the confuſion in the Dauphin's affairs, Edward ſeemed to have a favourable opportunity of puſhing his conqueſts: But beſides that his hands were tied by the truce, and he could only aſſiſt underhand the faction of Navarre; the ſtate of the Engliſh finances and military power during thoſe ages rendered the kingdom incapable of making any regular or ſteady effort, and obliged it to exert its force at very diſtant intervals, by which all the projected ends were commonly diſappointed. Edward employed himſelf, during a conjuncture ſo inviting, chiefly in negociations with his priſoner; and John had the weakneſs, to ſign terms of peace, which, had they taken effect, muſt have totally ruined and diſmembered his kingdom. He agreed to reſtore all the provinces, which had been poſſeſſed by Henry II. and his two ſons, and to annex them forever to England without any obligation of homage or fealty on the part of the Engliſh monarch. But the Dauphin and the ſtates of France rejected this treaty, ſo diſhonourable

[y] Froiſſart, liv. 1. chap. 187.

and pernicious to the kingdom [z]; and Edward, on the expiration of the truce, having now, by ſubſidies and frugality, collected ſome treaſure, prepared himſelf for a new invaſion of France. CHAP. XVI. 1358.

THE great authority and renown of the King and the prince of Wales, the ſplendid ſucceſs of their former enterprizes, and the certain proſpect of plunder from the defenceleſs provinces of France, ſoon brought together all the military power of England; and the ſame motives invited to Edward's ſtandard all the hardy adventurers of the different countries of Europe [a]. He paſſed over to Calais, where he aſſembled an army of near 100,000 men; a force, which the Dauphin could not pretend to withſtand in the open field: And that prince therefore prepared himſelf to elude a blow, which it was impoſſible for him to reſiſt. He put all the conſiderable towns in a poſture of defence; ordered them to be ſupplied with magazines and proviſions; diſtributed proper garriſons in all places; ſecured every thing valuable in the fortified cities; and choſe his own ſtation at Paris, with a view of allowing the enemy to vent their fury on the open country.

THE King, aware of this plan of defence, was obliged to carry along with him ſix thouſand waggons loaded with the proviſions neceſſary for the ſubſiſtence of his army. After ravaging the province of Picardy, he advanced into Champagne; and having a ſtrong deſire of being crowned King of France at Rheims, the uſual place in which that ceremony is performed, he laid ſiege to the city, and carried on his attacks, tho' with- 1359. 4th Novemb. Invaſion of France.

[z] Froiſſart, liv. 1. chap. 201. [a] Ibid. chap. 205.

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1359. out ſucceſs, for the ſpace of ſeven weeks[b]. The place was bravely defended by the inhabitants, encouraged by the exhortations of the archbiſhop, John de Craon; till the advanced ſeaſon (for this expedition was entered upon in the beginning

1360. of winter) obliged the King to raiſe the ſiege. The province of Champagne, meanwhile, was laid deſolate by his incurſions; and he thence conducted his army, with a like intent, into Burgundy. He took and pillaged Tonnerre, Gaillon, Avalon, and other ſmall places; but the duke of Burgundy, that he might preſerve his country from farther ravages, conſented to pay him the ſum of 100,000 nobles[c]. Edward then bent his march towards the Nivernois, which ſaved itſelf by a like compoſition: He laid waſte the Brie and the Gatinois; and after a long march, very deſtructive to France, and ſomewhat ruinous to his own troops, he appeared before the gates of Paris, and taking up his quarters at Bourg-la-Reine, extended his army to Longjumeau, Mont-rouge and Vaugirard. He tried to provoke the Dauphin to hazard a battle, by ſending him a defiance; but could not make that prudent prince change his plan of operations. Paris was ſafe from the danger of an aſſault by its numerous garriſon; from that of a blockade by its well ſupplied magazines; and as Edward could not ſubſiſt his own army in a country, waſted by foreign and domeſtic enemies, and left alſo empty by the precaution of the Dauphin, he was obliged to remove his quarters, and he ſpread his army into the provinces of Maine, Beauſſe, and the Chartraine, which were abandoned to the fury of their devaſtations[d]. The only repoſe which France experienced was during the feſtival of Eaſter, when the King ſtopped the courſe of his ravages. For ſuper-

[b] Froiſſart, liv. 1. chap. 208. Walſing. p. 174. [c] Rymer, vol. vi. p. 161. Walſing. p. 174. [d] Walſing. p. 175.

ſtition

ſtition can ſometimes reſtrain the rage of men, which neither juſtice nor humanity is able to controul.

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1360.

WHILE the war was carried on in this ruinous manner, the negotiations for peace were never interrupted: But as the King ſtill inſiſted on the full execution of the treaty, which he had made with his priſoner at London, and which was ſtrenuouſly rejected by the Dauphin, there appeared no likelihood of an accommodation. The earl, now duke of Lancaſter (for this title was introduced into England during the preſent reign) endeavoured to ſoften the rigour of theſe terms, and to finiſh the war on more equal and reaſonable conditions. He inſiſted, with Edward, that, notwithſtanding his great and ſurpriſing ſucceſſes, the object of the war, if ſuch was to be eſteemed the acquiſition of the crown of France, was not become any nearer than at the commencement of it; or rather, was ſet at a greater diſtance by thoſe very victories and advantages, which ſeemed to lead to it. That his claim of ſucceſſion had not from the firſt procured him one partizan in the kingdom; and the continuance of theſe deſtructive hoſtilities had united every Frenchman in the moſt implacable animoſity againſt him. That tho' inteſtine faction had crept into the government of France, it was abating every moment; and no party, even during the greateſt heat of the conteſt, when ſubjection under a foreign enemy uſually appears preferable to the dominion of fellow citizens, had ever adopted the pretenſions of the King of England. That the King of Navarre himſelf, who alone was allied with the Engliſh, inſtead of being a cordial friend, was Edward's moſt dangerous rival, and in the opinion of his partizans appeared to poſſeſs a much preferable title to the crown of France. That the prolongation of the war, however it might enrich the

Engliſh

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Engliſh ſoldiers, was ruinous to the King himſelf, who bore all the charges of the armament, without reaping any ſolid or durable advantage from it. That if the preſent diſorders of France continued, that kingdom would ſoon be reduced to ſuch deſolation as to afford no ſpoils to its ravagers; if it could eſtabliſh a more ſteady government, it might turn the chance of war in its favour, and by its ſuperior force and advantages be able to repel the preſent victors. That the Dauphin, even during his greateſt diſtreſſes, had yet conducted himſelf with ſo much prudence as to prevent the Engliſh from acquiring one foot of land in the kingdom; and it were better for the King to accept by a peace what he had in vain attempted to acquire by hoſtilities, which, however hitherto ſucceſsful, had been extremely expenſive, and might prove very dangerous. And that Edward having acquired ſo much glory by his arms, the praiſe of moderation was the only honour, to which he could now aſpire; an honour ſo much the greater, as it was durable, was united with that of prudence, and might be attended with the moſt real advantages [d].

Peace of Bretigni.

THESE reaſons induced Edward to accept of more equitable terms of peace; and it is probable, that, in order to palliate this change of reſolution, he aſcribed it to a vow, made during a terrible tempeſt which attacked his army on their march, and which antient hiſtorians repreſent as the cauſe of this ſudden accommodation [e]. The conferences between the Engliſh and French commiſſioners were carried on during a few days at

8th May.

Bretigni in the Chartraine, and the peace was at laſt concluded on the following conditions [f]: It was ſtipulated, that King

[d] Froiſſart, liv. 1. chap. 211. [e] Ibid. [f] Rymer, vol. vi. p. 178. Froiſſart, liv. 1. chap. 212.

John

John ſhould be reſtored to his liberty, and ſhould pay as his ranſom three millions of crowns of gold, about 1,500,000 pounds of our preſent money [s]; which was to be diſcharged at different payments: That Edward ſhould for ever renounce all claim to the crown of France, and to the provinces of Normandy, Maine, Touraine, and Anjou, poſſeſſed by his anceſtors; and ſhould receive in exchange the provinces of Poictou, Xaintonge, l'Agenois, Perigort, the Limouſin, Quercy, Rovergue, l'Angoumois, and other diſtricts in that quarter, together with Calais, Guiſnes, Montreuil, and the county of Ponthieu, on the other ſide of France: That the full ſovereignty of all theſe provinces, as well as that of Guienne, ſhould be veſted in the crown of England, and that France ſhould renounce all title to feudal juriſdiction, homage, or appeal from them: That the King of Navarre ſhould be reſtored to all his honours and poſſeſſions: That Edward ſhould renounce his confederacy with the Flemings, John his connexions with the Scots: That the diſputes concerning the ſucceſſion of Brittany, between the families of Blois and Mountfort, ſhould be decided by arbiters, appointed by the two Kings; and if the competitors refuſed to ſubmit to the ſentence, the diſpute ſhould no longer be a ground

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1360.

[s] This is a prodigious ſum, and probably near the half of what the King received from the parliament during the whole courſe of his reign. It muſt be remarked, that a tenth and fifteenth (which was always thought a high grant) were, in the eighth year of his reign, fixed at about 29,000 pounds: There were about 30,000 ſacks of wool exported every year: A ſack of wool was at a medium ſold for five pounds. Upon theſe ſuppoſitions it would be eaſy to compute all the parliamentary grants, taking the liſt as they ſtand in Tyrrel, vol. iii. p. 780: Tho' ſomewhat muſt ſtill be left to conjecture. This King levied more money from his ſubjects than any of his predeceſſors; and the parliament frequently complain of the poverty of the people, and the oppreſſions under which they laboured. But it is to be remarked, that the half of the French King's ranſom was not paid before the war broke out between the two crowns: His ſon choſe rather to employ the money in combating the Engliſh, than in enriching them. See Rymer, vol. viii. p. 315.

of

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of war between the kingdoms: And that forty hoſtages, ſuch as ſhould be agreed on, ſhould be ſent to England as a ſecurity for the execution of all theſe conditions [h].

8th July. In conſequence of this treaty of peace, the King of France was brought over to Calais; whither Edward alſo ſoon after arrived: And both princes there ſolemnly ratified the treaty. John was ſent to Boulogne; the King accompanied him a mile in his journey; and the two monarchs parted, with many profeſſions, probably cordial and ſincere, of mutual friendſhip and amity [i]. The good diſpoſition of John made him fully ſenſible of the generous treatment which he had met with in England, and obliterated all memory of the aſcendant gained over him by his rival. There ſeldom has been a treaty of ſo great importance ſo faithfully executed by both parties. Edward had ſcarcely from the beginning entertained any hopes of acquiring the crown of France: By reſtoring John to his liberty, and making peace at a juncture ſo favourable to his arms, he had now plainly renounced all pretenſions of this nature: He had ſold at a very high price that chimerical claim: And had at preſent no other intereſt than to retain thoſe acquiſitions which he had made with ſuch ſingular prudence and good fortune. John, on the other hand, tho' the terms were ſevere and rigorous, poſſeſſed ſuch fidelity and honour, that he was determined at all hazards to execute them, and to uſe every

[h] The hoſtages were the two ſons of the French King, John and Lewis; his brother Philip duke of Orleans, the duke of Bourbon, James de Bourbon count de Ponthieu, the counts d'Eu, de Longueville, de St. Pol, de Harcourt, de Vendome, de Couci, de Craon, de Montmorenci, and many of the chief nobility of France. The princes were moſtly releaſed on the fulfilling of certain articles: Others of the hoſtages, and the duke of Berry among the reſt, were permitted to return upon their parole, which they did not keep. Rymer, vol. vi. p. 278, 285, 287.

[i] Froiſſart, liv. 1. chap. 213.

expedient

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expedient for ſatisfying a monarch, who had indeed been his greateſt political enemy, but had treated him perſonally with ſingular humanity and regard. But, notwithſtanding his endeavours, there occurred many difficulties in fulfilling his purpoſe; chiefly from the extreme reluctance, which many towns and vaſſals in the neighbourhood of Guienne, expreſſed againſt ſubmitting to the Engliſh dominion [k]; and John, in order to adjuſt theſe differences, took a reſolution of coming over himſelf into England. His council endeavoured to diſſuade him from this raſh deſign; and probably would have been pleaſed to ſee him employ more chicanes, for eluding the execution of ſo diſadvantageous a treaty: But John replied to them, that, tho' good faith were baniſhed from the reſt of the earth, ſhe ought ſtill to retain her habitation in the breaſts of princes. Some hiſtorians would detract from the merit of this honourable behaviour, by repreſenting John as enamoured of an Engliſh lady, to whom he was glad, on this pretence, to pay a viſit: But beſides, that this ſurmiſe is not founded on any good authority, it appears ſomewhat unlikely on account of the advanced age of that prince, who was now in his fifty-ſixth year. He was lodged in the Savoy; the palace where he had reſided during his captivity, and where he ſoon after ſickened and died. Nothing can be a ſtronger proof of the great dominion of fortune over men, than the calamities which purſued a monarch of ſuch eminent valour, goodneſs and honour, and which he incurred merely by reaſon of ſome ſlight imprudences, which, in other ſituations, would have been of no importance. But tho' both his reign and that of his father, proved extremely unfortunate to their kingdom, the French crown acquired, dur-

1360.

1363.

1364.

8th April.

[k] Froiſſart, liv. 1. chap. 214.

CHAP. XVI. 1364.

ing their time, very conſiderable acceſſions, thoſe of Dauphiny and Burgundy. This latter province, however, John had the imprudence again to diſmember from the crown, by beſtowing it on Philip his fourth ſon, and chief favourite [1]; a deed, which was afterwards the ſource of many calamities to his kingdom.

JOHN was ſucceeded in the throne by Charles, the Dauphin, a prince educated in the ſchool of adverſity, and well qualified, by his conſummate prudence and experience, to repair all the loſſes, which the kingdom had ſuffered from the errors of his two predeceſſors. Contrary to the practice of all the great princes of thoſe times, which held nothing in eſtimation but military courage, he ſeems to have fixed it as a maxim never to appear at the head of his armies; and he was the firſt King in Europe, who ſhowed the advantages of policy, foreſight and judgment, above a raſh and precipitate valour. The events of his reign, compared with thoſe of the preceding, are a proof, how little reaſon kingdoms have to value themſelves on their victories, or to be humbled by their defeats; which in reality ought to be aſcribed chiefly to the good or bad conduct of their rulers, and go a very little way towards determining national characters and manners.

State of France.

BEFORE Charles could think of counter-balancing ſo great a power as England, it was neceſſary for him to remedy the many diſorders, to which his own kingdom was expoſed. He turned his arms againſt the King of Navarre, the great diſturber of France during that age: He defeated that prince by the conduct of Bertrand du Gueſclin, a gentleman of Brittany, one

[1] Rymer, vol. vi. p. 421.

of

CHAP. XVI. 1364.

of the moſt accompliſhed characters of the age, whom he had the diſcernment to chooſe as the inſtrument of all his victories [m]: And he obliged his enemy to accept of moderate terms of peace. Du Gueſclin was leſs fortunate in the wars of Brittany, which ſtill continued, notwithſtanding the mediation of France and England: He was defeated and taken priſoner at Auray by Chandos: Charles de Blois was there ſlain, and the young count de Mountfort ſoon after got entire poſſeſſion of that dutchy [n]. But the prudence of Charles broke the force of this blow: He ſubmitted to the deciſion of fortune: He acknowledged the title of Mountfort, tho' a zealous partizan of England; and received the proffered homage for his dominions. But the chief obſtacle which the French King met with in the ſettlement of the ſtate, proceeded from obſcure enemies, whom their crimes alone rendered eminent, and their number dangerous.

On the concluſion of the treaty of Bretigni, the many military adventurers, who had followed the fortunes of Edward, being diſperſed into the ſeveral provinces, and poſſeſſed of ſtrong holds, refuſed to lay down their arms, or relinquiſh a courſe of life, to which they were now accuſtomed, and by which alone they could gain a ſubſiſtance [o]. They aſſociated themſelves with the banditti, who were already enured to the habits of rapine and violence; and under the name of the *companies* and *companions*, became a terror to all the peaceable inhabitants. Some Engliſh and Gaſcon gentlemen of character, particularly ſir Matthew Gournay, ſir Hugh Calverley, the chevalier Verte, and others, were not aſhamed to take the

[m] Froiſſart, liv. 1. chap. 119, 120, 122. Walſing. p. 180.

[n] Ibid. chap. 227, 228, &c.

[o] Froiſſart, liv. 1. chap. 214.

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1364. command of theſe ruffians, whoſe numbers amounted on the whole to near 40,000 men, and who bore the appearance of regular armies, rather than bands of robbers. Theſe leaders fought pitched battles with the troops of France, and gained victories; in one of which Jaques de Bourbon, a prince of the blood, was ſlain [p]: And they proceeded to ſuch a height, that they wanted little but regular eſtabliſhments to become princes, and thereby ſanctify, by the maxims of the world, their infamous profeſſion. The greater ſpoil they committed on the country, the more eaſy they found it to recruit their number: All thoſe, who were reduced to miſery and deſpair, flocked to their ſtandard: The evil was every day increaſing: And tho' the Pope declared them excommunicate, theſe military plunderers, however deeply affected with this ſentence, to which they paid a much greater regard than to any maxims of juſtice or humanity, could not be induced by it to betake themſelves to any peaceable or lawful profeſſion.

1366. As Charles was not able by power to redreſs ſo enormous a grievance, he was led, both by neceſſity, and by the turn of his character, to correct it by policy, and to contrive ſome method of diſcharging into foreign countries this dangerous and inteſtine evil.

PETER, King of Caſtile, ſtigmatized by his contemporaries and by poſterity, with the epithet of *Cruel*, had filled with blood and murder his kingdom and his own family; and having incurred the univerſal hatred of his ſubjects, he kept only from preſent terror an anxious and precarious poſſeſſion of the throne. His nobles fell every day the victims of his ſeverity:

[p] Froiſſart, liv. 1. chap. 214, 215.

He

He put to death ſeveral of his natural brothers from groundleſs jealouſy: Each murder, by multiplying his enemies, became the occaſion of freſh barbarities: And as he was not deſtitute of talents, his neighbours, no leſs than his own ſubjects, were alarmed by the progreſs of his violence and injuſtice. The ferocity of his temper, inſtead of being ſoftened by his ſtrong propenſity to love, was rather enflamed by that paſſion, and took thence new occaſion to exert itſelf. Inſtigated by Mary de Padilla, who had acquired the aſcendant over him, he threw into priſon Blanche de Bourbon, his wife, ſiſter to the Queen of France; and ſoon after made way by poiſon for the eſpouſing of his miſtreſs. CHAP. XVI. 1366.

HENRY, count de Tranſtamare, his natural brother, ſeeing the fate of every one who had become obnoxious to this tyrant, took arms againſt him; but being foiled in the attempt, he ſought for refuge in France, where he found the minds of every one extremely enflamed againſt Peter, on account of his murder of the French princeſs. He propoſed to Charles the enliſting of the *companies* into his ſervice, and leading them into Caſtile; where, from the concurrence of his own friends, and the enemies of his brother, he had the proſpect of certain and immediate ſucceſs. The French King, charmed with the project, employed du Gueſclin in negotiating with the leaders of theſe banditti. The treaty was ſoon concluded. The high character of honour, which that general poſſeſſed, made every one truſt to his promiſes: Tho' the intended expedition was kept a ſecret, the companies implicitly inliſted under his ſtandard: And they required no other condition before their engagement, than an aſſurance, that they were not to be led againſt the prince of Wales in Guienne. But that prince was ſo little averſe

CHAP. XVI. 1366.

averſe to the enterprize, that he allowed ſome gentlemen of his retinue to enter into the ſervice under du Gueſclin.

Du Gueſclin, having compleated his levies, led the army firſt to Avignon, where the Pope then reſided, and demanded, ſword in hand, an abſolution for his ſoldiers, and the ſum of 200,000 livres. The firſt was very readily promiſed him; ſome more difficulty was made with regard to the ſecond. "I "believe my fellows," replied du Gueſclin, "may make a "ſhift to do without your abſolution; but the money is abſo- "lutely neceſſary." The Pope then extorted from the inhabitants in the city and neighbourhood the ſum of an hundred thouſand livres, and offered it to du Gueſclin. "It is not my "purpoſe," cried that generous warrior, "to oppreſs the in- "nocent people. The Pope and his cardinals themſelves can "eaſily ſpare me that ſum from their own pockets. This mo- "ney, I inſiſt, muſt be reſtored to the owners. And ſhould "they be defrauded of it, I ſhall myſelf return from the other "ſide of the Pyrenees, and oblige you to make them reſti- "tution." The Pope found the neceſſity of ſubmiſſion, and paid him, from his own treaſury, the ſum demanded [q]. The army, hallowed by the bleſſings, and enriched by the ſpoils of the church, proceeded on their expedition.

These experienced and hardy ſoldiers, conducted by ſo able a general, eaſily prevailed over the King of Caſtile, whoſe ſubjects, inſtead of ſupporting their oppreſſor, were ready to join the enemy againſt him [r]. Peter fled from his dominions, took

[q] Hiſt. du Gueſclin. [r] Froiſſart, liv. 1. chap. 230.

ſhelter

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1366.

shelter in Guienne, and craved the protection of the prince of Wales, whom his father had invested with the sovereignty of these conquered provinces, under the title of the principality of Aquitaine [s]. The prince seemed now to have entirely changed his sentiments with regard to the Spanish transactions: Whether that he was moved by the generosity of supporting a distrest prince, and thought, as is but too usual among sovereigns, that the rights of the people were a matter of much less consideration; or dreaded the acquisition of so powerful a confederate to France as the new King of Castile; or what is most probable, was impatient of rest and ease, and sought only an opportunity of exerting his military talents, by which he had already acquired so much renown. He promised his assistance to the dethroned monarch; and having obtained the consent of his father, he levied a great army, and set out upon his enterprize. He was accompanied by his younger brother, John of Gaunt, created duke of Lancaster, in place of the good prince of that name, who had died without any male issue, and whose daughter he had espoused. Chandos also, who bore among the English the same character, which du Guesclin had acquired among the French, commanded under him in this expedition.

1367. Expedition into Castile.

The first blow which the prince of Wales gave to Henry de Transtamare, was recalling all the *companies* from his service; and so much reverence did they bear to the name of Edward, that great numbers of them immediately withdrew from Spain, and inlisted under his banners. Henry however, beloved by his new subjects, and supported by the King of Arragon and others of his neighbours, was able to meet the enemy with an

[s] Rymer, vol. vi. p. 384. Froissart, liv. 1. chap. 231.

CHAP. XVI. 1367.

army of 100,000 men; forces three times more numerous than thoſe commanded by Edward. Du Gueſclin and all his experienced officers adviſed him to delay any deciſive action, to cut off the prince of Wales's proviſions, and to avoid every engagement with a general, whoſe enterprizes had hitherto been always conducted with prudence, and crowned with ſucceſs. Henry truſted too much to his numbers; and ventured to encounter the Engliſh prince at Najara [t]. Hiſtorians of that age are commonly very copious in deſcribing the ſhock of armies in battle, the valour of the combatants, the ſlaughter and various ſucceſſes of the day: But tho' ſmall rencounters in thoſe times were often well diſputed, the military diſcipline was always too imperfect to preſerve order in great armies; and ſuch actions deſerve more the name of routs than of battles. Henry was chaced off the field, with the loſs of above 20,000 men: There periſhed only four knights and forty private men on the ſide of the Engliſh.

3d April.

PETER, who ſo well merited the infamous epithet which he bore, propoſed to murder all his priſoners in cold blood; but was reſtrained from this barbarity by the remonſtrances of the prince of Wales. All Caſtile now ſubmitted to the victor: Peter was reſtored to the throne: And Edward finiſhed this perilous enterprize with his uſual glory. But he had ſoon reaſon to repent aſſociating himſelf with a man like Peter, abandoned to all ſenſe of virtue and honour. The ungrateful tyrant refuſed the ſtipulated pay to the Engliſh forces; and Edward, finding his ſoldiers daily periſh by ſickneſs, and even his own health impaired by the climate, was obliged, without receiving any ſatisfaction on this head, to return into Guienne [u].

[t] Froiſſart, liv. 1. chap. 241.

[u] Ibid. chap. 242, 243. Walſingham, p. 182.

THE

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THE monſtrous cruelties exerciſed by Peter over his helpleſs ſubjects, whom he now regarded as vanquiſhed rebels, revived all the animoſity of the Caſtilians againſt him; and on the return of Henry de Tranſtamare, together with du Gueſclin, and ſome forces levied anew in France, the tyrant was again dethroned, and was taken priſoner. His brother, in reſentment of his cruelties, murdered him with his own hand; and was placed on the throne of Caſtile, which he tranſmitted to his poſterity. The duke of Lancaſter, who eſpouſed in ſecond marriage the eldeſt daughter of Peter, inherited only the empty title of that ſovereignty, and encreaſed the animoſity of the new King of Caſtile againſt England. 1367.

1368. Rupture with France.

BUT the prejudice, which the affairs of prince Edward received from this ſplendid, tho' imprudent expedition, ended not with it. He had involved himſelf in ſo much debt by his preparations and the pay of his troops, that he found it neceſſary, on his return, to impoſe on his principality a new tax, which ſome of the nobility ſubmitted to with extreme reluctance, and to which others abſolutely refuſed compliance [w]. This incident revived the animoſity which the inhabitants bore to the Engliſh, and which all the amiable qualities of the prince of Wales were not able to mitigate or aſſuage. They complained,

[w] This tax was a livre upon a hearth; and it was imagined, that this impoſition would have yielded 1,200,000 livres a year, which ſuppoſes ſo many hearths in the provinces poſſeſſed by the Engliſh. But ſuch looſe conjectures have no manner of authority, much leſs, in ſuch ignorant times. There was a ſtrong inſtance of it in the preſent reign. The houſe of commons granted the King a tax of twenty-two ſhillings on each pariſh, ſuppoſing that the amount of the whole would be 50,000 pounds. But they were found to be in a miſtake of near ſix to one. Cotton, p. 3. And the privy council aſſumed the power of augmenting the tax, ſo as to make it anſwer the ſums propoſed to be levied by it; which was certainly a very irregular practice.

CHAP. XVI. 1368.

that they were conſidered as a conquered people, that their privileges were diſregarded, that all truſt was given to the Engliſh alone, that every office of honour and profit was conferred on theſe foreigners, and that the extreme reluctance, which moſt of them had expreſſed, to receive this new yoke, was likely to be long remembered againſt them. They caſt, therefore, their eyes towards their antient ſovereign, whoſe prudence, they found, had now brought the affairs of his kingdom into excellent order; and the counts of Armagnac, Comminge, and Perigord, the lord d'Albert, with other nobles, went to Paris, and were encouraged to carry their complaints to Charles, as to their lord paramount, againſt theſe oppreſſions of the Engliſh government[x].

In the treaty of Bretigni it had been agreed, that the two Kings ſhould make renounciations; Edward of his claim to the crown of France and to the provinces of Normandy, Maine, and Anjou; John of the homage and fealty due for Guienne and the other provinces ceded to the Engliſh. But when that treaty was confirmed and renewed at Calais, it was found neceſſary, on account of ſome formalities peculiar to the feudal law, that the mutual renounciations ſhould for ſome time be deferred; and it was agreed, that the parties, mean-while, ſhould make no uſe of theſe claims againſt each other[y]. Tho' the failure in exchanging theſe renounciations had ſtill proceeded from France[z], Edward appears to have taken no umbrage at it; both becauſe this clauſe ſeemed to give him entire ſecurity, and becauſe ſome reaſonable apology had probably been made to him for each delay. It was, however, on this pretence, groſs and

[x] Froiſſart, liv. 1. chap. 244.
[y] Rymer, vol. vi. p. 219, 230, 237.
[z] Rot. Franc. 35 Edw. III. m. 3. from Tyrrel, vol. iii. p. 643.

iniquitous

iniquitous as it was, that Charles resolved to ground his claim, of considering himself still as superior lord of these provinces, and of receiving the appeals of his sub-vassals [a]. CHAP. XVI. 1368.

But as views of policy, more than those of justice, enter into the deliberations of princes; and as the mortal injuries received from the English, the pride of their triumphs, the severe terms imposed by the treaty of peace, seemed to render every prudent means of revenge honourable against them; Charles was determined to take this measure, less by the reasonings of his civilians and lawyers, than by the present situation of the two monarchies. He considered the declining years of Edward, the languishing state of the prince of Wales's health, the affection which the inhabitants of all these provinces bore to their antient master, their distance from England, their contiguity to France, the extreme animosity expressed by his own subjects against these invaders, and their ardent thirst of vengeance; and having made silently all the preparations requisite, he sent to the prince of Wales a summons to appear in his court at Paris, and there to justify his conduct towards his vassals. The prince replied, that he would come to Paris; but it should be at the head of sixty thousand men [b]. The unwarlike character of Charles kept Edward, even yet, from thinking, that that monarch was in earnest, in this bold and hazardous attempt. 1369.

It soon appeared what a poor return the King received by his distant conquests for all the blood and treasure expended in the quarrel, and how impossible it was to retain acquisitions, in an age when no regular force could be maintained sufficient

[a] Froissart, liv. 1. chap. 245. [b] Ibid. chap. 247, 248.

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1370. Ill ſucceſs of the Engliſh.

to defend them againſt the revolt of the inhabitants, much leſs, if that danger was conjoined with the invaſion of a foreign enemy. Charles fell firſt upon Ponthieu, which gave the Engliſh an inlet into the heart of France: The citizens of Abbeville opened their gates to him[c]: Thoſe of St. Valori, Rue, and Crotoy imitated the example, and the whole country was in a little time reduced to ſubmiſſion. The dukes of Berri and Anjou, brothers to Charles, being aſſiſted by du Gueſclin, who was recalled from Spain, invaded the ſouthern provinces; and by means of their good conduct, the favourable inclinations of the people, and the ardour of the French nobility, they made every day conſiderable progreſs againſt the Engliſh. The ſtate of the prince of Wales's health did not permit him to mount on horſeback, or exert his uſual activity: Chandos, the conſtable of Guienne, was ſlain in one action[d]: The Captal de Buche, who ſucceeded him in that office, was taken priſoner in another[e]: And when young Edward himſelf was obliged by his increaſing infirmities to throw up the command, and return to his native country, the Engliſh affairs in the ſouth of France ſeemed to be menaced with a total ruin.

EDWARD, incenſed at theſe injuries, threatened to put to death all the French hoſtages, who remained in his hands; but on reflection abſtained from that ungenerous revenge. After reſuming, by advice of parliament, the vain title of King of France[f], he endeavoured to ſend ſuccours into Gaſcony; but all his attempts, both by ſea and land, proved unſucceſsful. The earl of Pembroke was intercepted at ſea and taken priſoner

[c] Walſingham, p. 183.
[d] Froiſſart, liv. 1. chap. 277. Walſingham, p. 185.
[e] Froiſſart, liv. 1. chap. 310.
[f] Rymer, vol. vi. p. 621. Cotton's Abridg. p. 108.

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with his whole army near Rochelle by a fleet, which Henry, King of Caſtile, had fitted out for that purpoſe [f]: Edward himſelf embarked for Bourdeaux with another army; but was ſo long detained by contrary winds, that he was obliged to lay aſide the enterprize [g]. Sir Robert Knolles, at the head of 30,000 men, marched out of Calais, and continued his ravages to the gates of Paris, without being able to provoke the enemy to an engagement: He proceeded on his march to the provinces of Maine and Anjou, which he laid waſte; but part of his army being there defeated by the conduct of du Gueſclin, who was now created conſtable of France, and who ſeems to have been the firſt conſummate general, that had yet appear'd in Europe, the reſt were ſcattered and diſperſed, and the ſmall remains of the Engliſh forces, inſtead of reaching Guienne, took ſhelter in Brittany, whoſe ſovereign had embraced the alliance of England [h]. The duke of Lancaſter, ſome time after, made a like attempt with an army of 25,000 men; and marched the whole length of France from Calais to Bourdeaux; but was ſo much haraſſed by the flying parties which attended him, that he brought not the half of his army to the place of their deſtination. Edward, from the neceſſity of his affairs, was at laſt obliged to conclude a truce with the enemy [i]; after almoſt all his antient poſſeſſions in France had been raviſhed from him, except Bourdeaux and Bayonne, and all his conqueſts, except Calais.

THE decline of the King's life was expoſed to many mortifications, and correſponded not to the ſplendid and noiſy ſcenes, which had filled the beginning and the middle of it. Beſides

[f] Froiſſart, liv. 1. chap. 302, 303, 304. Walſingham, p. 186. [g] Froiſſart, liv. 1. chap. 311. Walſingham, p. 187. [h] Froiſſart, liv. 1. chap. 291. Walſingham, p. 185. [i] Froiſſart, liv. 1. chap. 321. Walſingham, p. 187.

ſeeing

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seeing the loss of his foreign dominions, and being baffled in every attempt to defend them; he felt the decay of his authority at home, and experienced, from the sharpness of some parliamentary remonstrances, the great inconstancy of the people, and the influence of present fortune over all their judgments[k]. This prince, who, during the vigour of his age, had been chiefly occupied in the pursuits of war and ambition, began, at an unseasonable period, to indulge himself in pleasure; and being now a widower, he attached himself to a lady of sense and spirit, one Alice Pierce, who acquired a great ascendant over him, and by her influence gave so much disgust to his people, that, in order to satisfy the parliament, he was obliged to remove her from court[l]. The indolence also, naturally attending old age and infirmities, had made him, in a great measure, resign the administration into the hands of his son, the duke of Lancaster, who, as he was far from being popular, weakened extremely the affection, born by the English to the person and government of the King. Men carried their jealousies very far against the duke; and as they saw with infinite regret, the death of the prince of Wales every day approaching, they apprehended, lest the succession of his son, Richard, now a minor, should be defeated by the intrigues of Lancaster, and by the weak indulgence of the old King. But Edward, in order to satisfy both the people and the prince on this head, declared in parliament his grandson heir and successor to the crown; and thereby cut off all the hopes of the duke of Lancaster, if he ever had the temerity to entertain any.

1376. 8th June. Death of the prince of Wales.

THE prince of Wales, after a lingering illness, died in the forty-sixth year of his age; and left a character, illustrated by every eminent virtue, and from his earliest youth till the hour

[k] Walsingham, p. 189. Ypod. Neust. p. 530.

[l] Walsingham, p. 189.

he

he expired, unſtained by any blemiſh. His valor and military talents formed the ſmalleſt part of his merit: His generoſity, humanity, affability, moderation, gained him the affections of all the world; and he was qualified to throw a luſtre, not only on that rude age, in which he lived, and which nowiſe infected him with its vices, but on the moſt ſhining period of antient or modern hiſtory. The King ſurvived about a year this melancholy incident: England was deprived at once of both theſe princes, its chief ornament and ſupport: He expired in the ſixty-fifth year of his age and the fifty-firſt of his reign; and the people were ſenſible, tho' too late, of the irreparable loſs, which they had ſuſtained. CHAP. XVI. 1376. 1377. 21ſt June. Death

and character of the King.

THE Engliſh are apt to conſider with peculiar fondneſs the hiſtory of Edward III. and to eſteem his reign, as it was one of the longeſt, the moſt glorious alſo, which occurs in the annals of their nation. The aſcendant which they then began to acquire over France, their rival and ſuppoſed national enemy, makes them caſt their eyes on this period with great complacency, and ſanctifies every meaſure, which Edward embraced for that end. But the domeſtic government of this prince is really more admirable than his foreign victories; and England enjoyed, by the prudence and vigor of his adminiſtration, a longer interval of domeſtic peace and tranquillity than ſhe had been bleſt with in any former period, or than ſhe experienced for many ages after. He gained the affections of the great, yet curbed their licentiouſneſs: He made them feel his power, without their daring, or even being inclined, to murmur at it: His affable and obliging behaviour, his munificence and generoſity, made them ſubmit with pleaſure to his dominion; his valor and conduct made them ſucceſsful in moſt of their enter-

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prizes; and their unquiet ſpirits, directed againſt a public enemy, had no leiſure to breed thoſe diſturbances, to which they were naturally ſo much inclined, and which the frame of the government ſeemed ſo much to authorize. This was the chief benefit, which reſulted from Edward's victories and conqueſts. His foreign wars were, in other reſpects, neither founded in juſtice, nor directed to any very ſalutary purpoſe. His attempt againſt the King of Scotland, a minor and a brother-in-law, and the revival of his grandfather's claim of ſuperiority over that kingdom, were both unſeaſonable and ungenerous; and he allowed himſelf to be too ſoon ſeduced, by the glaring proſpect of French conqueſts, from the acquiſition of a point, which was practicable, and which might really, if attained, have been of laſting utility to his country and his ſucceſſors. The ſucceſs, which he met with in France, tho' chiefly owing to his eminent talents, was unexpected; and yet, from the very nature of things, not from any unforeſeen accidents, was found, even during his own life-time, to have procured him no ſolid advantages. But the glory of a conqueror is ſo dazling to the vulgar, the animoſity of nations is ſo extreme, that the fruitleſs deſolation of ſo fine a part of Europe, as France, is totally diſregarded by us, and is never conſidered as a blemiſh in the character or conduct of this prince: And indeed, from the unfortunate ſtate of human nature, it will commonly happen that a ſovereign of great genius, ſuch as Edward, who uſually finds every thing eaſy in his domeſtic government, will turn himſelf towards military enterprizes, where alone he meets with oppoſition, and where he has full exerciſe for his induſtry and capacity.

EDWARD had a numerous poſterity by his Queen, Philippa of Hainault. His eldeſt ſon was the heroic Edward, uſually denominated

denominated the Black Prince, from the colour of his armour. This prince eſpouſed his couſin Joan, commonly called the *fair maid of Kent*, daughter and heir of his uncle, the earl of Kent, who was beheaded in the beginning of this reign. She was firſt married to ſir Thomas Holland, by whom ſhe had children. She had a ſon, Richard, by the prince of Wales, who alone ſurvived his father.

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THE ſecond ſon of King Edward (for we paſs over ſuch as died in their childhood) was Lionel duke of Clarence, who was firſt married to Elizabeth de Burgh, daughter and heir of the earl of Ulſter, by whom he left only one daughter, married to Edmund Mortimer, earl of Marche. Lionel eſpouſed in ſecond marriage, Violante, the daughter of the duke of Milan [m], and died in Italy ſoon after the conſummation of his nuptials, without leaving any poſterity by that princeſs. Of all the family, he reſembled moſt his father and eldeſt brother in his noble qualities.

EDWARD's third ſon was John of Gaunt, ſo called from the place of his birth: He was created duke of Lancaſter; and from him ſprung that branch, which afterwards poſſeſſed the crown. The fourth ſon of this royal family was Edmund, created earl of Cambridge by his father, and duke of York by his nephew. The fifth ſon was Thomas, who received the title of earl of Buckingham from his father, and that of duke of Gloceſter from his nephew. In order to prevent confuſion, we ſhall always diſtinguiſh theſe two princes by the titles of York and Gloceſter, even before they were advanced to them.

[m] Rymer, vol. vi. p. 564.

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THERE were alſo ſeveral princeſſes born to Edward by Philippa, *viz.* Iſabella, Joan, Mary and Margaret, who eſpouſed, in the order of their names, Ingelram de Coucy earl of Bedford, Alphonſo King of Caſtile, John de Mountfort duke of Brittany, and John Haſtings earl of Pembroke. The princeſs Joan died at Bourdeaux before the conſummation of her marriage.

Miſcellaneous tranſactions in this reign.

IT is remarked by an elegant hiſtorian [n], that Conquerors, tho' uſually the bane of human kind, proved often, in thoſe feudal times, the moſt indulgent of ſovereigns: They ſtood moſt in need of ſupplies from their people; and not being able to compel them by force to ſubmit to the neceſſary impoſitions, they were obliged to make them ſome compenſation, by equitable laws and popular conceſſions. This remark is, in ſome meaſure, tho' imperfectly, juſtified by the conduct of Edward III. He took no ſteps of moment without conſulting his parliament, and obtaining their approbation, which he afterwards pleaded as a reaſon for their ſupporting his meaſures [o]. The parliament therefore roſe into greater conſideration during his reign, and acquired a more regular authority than in any former times; and even the houſe of commons, which, during turbulent and factious periods, was naturally oppreſſed by the greater power of the crown and barons, began to appear of ſome weight in the conſtitution. In the latter years of Edward, the King's miniſters were impeached in parliament, particularly lord Latimer, who fell a ſacrifice to the authority of the commons [p]; and they even obliged him to baniſh his miſtreſs by their remonſtrances. Some attention was alſo paid to the elections of their members; and lawyers, in particular, who

[n] Dr. Robertſon's Hiſtory of Scotland, book 1. p. 108, 120.

[o] Cotton's Abridg.

[p] Ibid. p. 122.

were,

were, at that time, men of very inferior character, were totally excluded the houſe during ſeveral parliaments [q].

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ONE of the moſt popular laws, enacted by any prince, was the ſtatute, which paſſed in the twenty-fifth of this reign [r], and which limited the caſes of high treaſon, before vague and uncertain, to three principal heads, the conſpiring the death of the King, the levying war againſt him, and the adhering to his enemies; and the judges were prohibited, if any other caſes ſhould occur, from inflicting the penalty of treaſon, without an application to parliament. The bounds of treaſon were indeed ſo much limited by this ſtatute, which ſtill remains in force without any alteration, that the lawyers were obliged to enlarge them, and to explain a conſpiracy for levying war againſt the King to be equivalent to a conſpiracy againſt his life; and this interpretation, ſeemingly forced, has, from the neceſſity of the caſe, been tacitly acquieſced in. It was alſo ordained, that a parliament ſhould be held once a year or oftner, if need be: A law which, like many others, was never obſerved, and loſt its authority by diſuſe [s].

EDWARD granted above twenty parliamentary confirmations of the great charter; and theſe conceſſions are commonly appealed to as proofs of his great indulgence to the people, and his tender regard to their liberties. But the contrary preſumption is much more natural. If the maxims of Edward's reign had not been in general ſomewhat arbitrary, and if the great charter had not been frequently violated, the parliament would never have applied for theſe frequent confirmations, which could

[q] Cotton's Abridg. p. 18. [r] Chap. 2. [s] 4 Edw. III chap. 14.

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add no force to a deed regularly obſerved, and which could ſerve to no other purpoſe, than to prevent the contrary precedents from turning into a rule, and acquiring authority. It was indeed the effect of the irregular government during thoſe ages, that a ſtatute, which had been enacted ſome years, inſtead of acquiring, was imagined to loſe force by time, and needed to be often renewed by recent ſtatutes of the ſame ſenſe and tenor. Hence likewiſe that general clauſe, ſo frequent in old acts of parliament, that the ſtatutes, enacted by the King's progenitors, ſhall be obſerved [t]; a precaution, which, if we do not conſider the circumſtances of the times, might appear abſurd and ridiculous. The frequent confirmations in general terms of the church's privileges proceeded from the ſame cauſe.

It is a clauſe in one of Edward's ſtatutes, *that no man, of what eſtate or condition ſoever, ſhall be put out of land or tenement, nor taken nor impriſoned, nor diſherited, nor put to death, without being brought in anſwer by due proceſs of the law* [u]. This privilege was ſufficiently ſecured by a clauſe of the great charter, which had received a general confirmation in the firſt chapter of the ſame ſtatute. Why then is this clauſe ſo anxiouſly, and, as we may think, ſo ſuperfluouſly repeated? Plainly, becauſe there had been ſome late infringements of it, which gave umbrage to the commons [w].

But there is no article, in which the laws are more frequently repeated during this reign, almoſt in the ſame terms, than that of purveyance, which the parliament always calls an *outra-*

[t] 36 Edw. III. cap. 1. 37 Edw. III. cap. 1, &c. [u] 28 Edw. III. cap. 3.

[w] They plainly aſſert, in the 15th of this reign, that there had been ſuch inſtances. Cotton's Abridg. p. 31. They repeat the ſame in the 21ſt year. See p. 59.

geous

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geous and *intolerable* grievance, and the ſource of *infinite* damage to the people[x]. The parliament tried to aboliſh this prerogative altogether, by prohibiting any one to take goods without the conſent of the owners[y], and by changing the heinous name of *purveyors*, as they call it, into that of *buyers*[z]: But the arbitrary conduct of Edward ſtill brought back the grievance upon them; tho' contrary both to the Great Charter, and to many ſtatutes. This diſorder was in a good meaſure derived from the ſtate of the public finances and of the kingdom; and could therefore the leſs admit of any remedy. The prince frequently wanted ready money; yet his family muſt be provided for: And he was obliged to employ force and violence for that purpoſe, and to give tallies, at what rate he pleaſed, to the owners of the goods which he laid hold of. The kingdom alſo abounded ſo little in commodities, that, had the owners been ſtrictly protected by law, they could eaſily have exacted any price from the King; eſpecially in his frequent progreſſes, when he came to diſtant and poor places, where the court did not uſually reſide, and where a regular plan for ſupplying it could not eaſily be eſtabliſhed.

THE magnificent caſtle of Windſor was built by Edward III. and his method of conducting that work may ſerve as a ſpecimen of the condition of the people in that age. Inſtead of alluring workmen by contracts and wages, he aſſeſſed every county in England to ſend him ſo many maſons, tilers, and carpenters, as if he had been levying an army[a].

THEY miſtake, indeed, very much the genius of this reign who imagine that it was not very arbitrary. All the high pre-

[x] 36 Edw. III. &c. [y] 14 Edw. III. cap. 19. [z] 36 Edw. III. cap. 2. [a] Aſhmole's hiſt. of the garter, p. 129.

rogatives

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rogatives of the crown were to the full exerted in it; but what was ſome conſolation, and promiſed in time ſome relief to the people, they were always complained of by the commons: Such as the diſpenſing power [a]; the extenſion of the foreſts [b]; the erecting monopolies [c], the firſt of the kind which we read of; the exacting of loans [d]; the ſtopping of juſtice by particular warrants [e]; the renewal of the commiſſions of *trailbaton* [f]; the preſſing of men and ſhips into the public ſervice [g]; the levying of arbitrary and exorbitant fines [h]; the extending the authority of the privy council or ſtar-chamber to the deciſion of private cauſes [i]; the enlarging the power of the mareſchal's and other arbitrary courts [k]; the impriſoning members for freedom of ſpeech in parliament [l]; the obliging people without any rule to ſend recruits of men at arms, archers, and hoblers, to the army [m].

But there was no act of arbitrary power more frequently repeated in this reign, than that of the impoſition of taxes without conſent of parliament. Tho' that aſſembly granted the King more ſupplies than ever had been obtained by any of his predeceſſors, his great undertakings and the neceſſity of his affairs obliged him ſtill to levy more; and after his great ſucceſs againſt France had added weight to his authority, theſe impoſitions became almoſt annual and perpetual. Cotton's Abridgment of the records affords numerous inſtances of this kind, in the firſt [n] year of his reign, in the thirteenth year [o], in the four-

[a] Cotton's Abridg. p. 148. [b] Cotton, p. 71. [c] Cotton's Abridg. p. 56, 61, 122. [d] Rymer, vol. v. p. 491, 574. Cotton's Abridg. p. 56. [e] Cotton, p. 114. [f] Ibid. p. 67. [g] Cotton's Abridg. p. 47, 79, 113. [h] Ibid. p. 32. [i] Ibid. p. 74. [k] Ibid. p. 74. [l] Walſing. p. 189, 190. [m] Tyrrel's Hiſt. vol. iii. p. 554. from the records. [n] Rymer, vol. iv. p. 363. [o] P. 17, 18.

teenth,

teenth [p], in the twentieth [q], in the twenty-firſt [r], in the twenty-ſecond [s], in the twenty-fifth [t], in the thirty-eighth [u], in the fiftieth [w], and in the fifty-firſt [x].

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THE King openly avowed and maintained this power of levying taxes at pleaſure. At one time, he replied to the remonſtrance of the commons, that the impoſitions had been exacted from great neceſſity, and had been aſſented to by the prelates, counts, barons, and *ſome* of the commons [y]; at another, that he would adviſe with his council [z]. When the parliament deſired, that a law might be enacted for the puniſhment of ſuch as levied theſe arbitrary impoſitions; he refuſed compliance [a]. In the ſubſequent year, they deſired that the King might renounce this pretended prerogative; but his anſwer was, that he would levy no taxes without neceſſity, for the defence of the realm, and where he reaſonably might uſe that authority [b]. This incident paſſed a very few days before his death; and theſe were, in a manner, his laſt words to his people. It would ſeem, that the famous charter or ſtatute of Edward I. *de tallagio non concedendo*, tho' never repealed, was ſuppoſed to have already loſt by age all its authority.

THESE facts can only ſhow the *practice* of the times: For as to the *right*, the continual remonſtrances of the commons may ſeem to prove that it rather lay on their ſide: At leaſt, theſe remonſtrances ſerved to prevent the arbitrary practices of the

[p] Rymer, vol. iv. p. 39. [q] P. 47. [r] P. 52, 53, 57, 58.
[s] P. 69. [t] P. 76. [u] P. 101. [w] P. 138.
[x] P. 152. [y] Cotton, p. 53. He repeats the ſame anſwer in p. 60. *Some of the commons* were ſuch as he was pleaſed to conſult with. [z] Cotton, p. 57.
[a] Ibid. p. 138. [b] Ibid. p. 152.

court

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court from becoming an eſtabliſhed part of the conſtitution. In ſo much a better condition were the privileges of the people even during the arbitrary reign of Edward III. than during ſome ſubſequent ones, particularly thoſe of the Tudors, where no tyranny or abuſe of power ever met with any check or oppoſition, or ſo much as a remonſtrance, from parliament.

IT is eaſy to imagine, that a prince of ſo much ſenſe and ſpirit as Edward, would be no ſlave to the court of Rome. Tho' the old tribute was paid during ſome years of his minority [c], he afterwards withheld it; and when the Pope in 1367 threatened to cite him to the court of Rome, for default of payment, he laid the matter before his parliament. That aſſembly unanimouſly declared, that King John could not, without a national conſent, ſubject his kingdom to a foreign power: And they were therefore determined to ſupport their ſovereign againſt this exorbitant pretenſion [d].

DURING this reign, the ſtatute of proviſors was enacted, rendering it penal to procure any preſentations to benefices from the court of Rome, and ſecuring the rights of all patrons and electors, which had been extremely encroached on by the Pope [e]. By a ſubſequent ſtatute, every perſon was out-lawed who carried any cauſe or appeal to the court of Rome [f].

THE laity at this time ſeem to have been extremely prejudiced againſt the papal power, and even ſomewhat againſt their own clergy, becauſe of their connexions with the Roman pontiff. They pretended that the uſurpations of the Pope were the

[c] Rymer, vol. iv. p. 434.
[d] Cotton's Abridg. p. 110.
[e] 25 Edw. III. 27 Edw. III.
[f] 27 Edw. III. 38 Edw. III.

cauſe

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cauſe of all the plagues, injuries, famine, and poverty of the realm; were more deſtructive to it than all the wars; and were the reaſon why it contained not a third of the inhabitants and commodities, which it formerly poſſeſſed: That the taxes, levied by him, exceeded five times thoſe paid to the King: That every thing was venal in that ſinful city of Rome; and that even the patrons in England had thence learned to practiſe ſimony without remorſe or ſcruple [g]. At another time, they petition the King to employ no churchman in any office of ſtate [h]; and they even ſpeak, in plain terms, of expelling by force the papal authority, and thereby providing a remedy againſt oppreſſions, which they neither could nor would any longer endure [i]. Men who talked in this ſtrain, were not far from the reformation: But Edward did not think proper to ſecond all this zeal. Tho' he paſſed the ſtatute of proviſors, he took little care of its execution; and the parliament made frequent complaints of his negligence on this head [k]. He was content with having reduced ſuch of the Romiſh eccleſiaſtics, as poſſeſſed revenues in England, to depend entirely upon him by means of that ſtatute.

As to the police of the kingdom during this period, it was certainly better than during the times of faction, civil wars, and diſorder, to which England was ſo often expoſed: Yet were there ſeveral vices in the conſtitution, the bad conſequences of which all the power and vigilance of the King could not prevent. The barons, by their confederacies with thoſe of their own order, and by ſupporting and defending their retainers in every

[g] Cotton, p. 74, 128, 129. [h] Ibid. p. 112. [i] Ibid. p. 41.
[k] Ibid. p. 119, 128, 129, 130, 148.

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iniquity [l], were the chief abettors of robbers, murderers, and ruffians of all kinds; and no law could be executed againſt theſe criminals. The nobility were brought to give their promiſe in parliament, that they would not avow, retain, or ſupport any felon or breaker of the law [m]; yet this engagement, which we may wonder to ſee exacted from men of their rank, was never regarded by them. The commons make continual complaints of the multitude of robberies, murders, raviſhment of women, and other diſorders, which, they ſay, were become numberleſs in every part of the kingdom, and which they always aſcribe to the protection which the criminals received from the great [n]. The King of Cyprus, who paid a viſit to England during this reign, was robbed and ſtript on the highway with his whole retinue [o]. Edward himſelf contributed to this diſſolution of law, by his facility in granting pardons to felons from the ſolicitation of his courtiers. Laws were made to retrench this prerogative [p], and remonſtrances of the commons were preſented againſt the abuſe of it [q]: But to no purpoſe. The gratifying a nobleman of power and intereſt continued ſtill to be of more importance than the protection of the people. The King alſo granted many franchiſes, which interrupted the courſe of juſtice and the execution of the laws [r].

COMMERCE and induſtry were certainly at a very low ebb during this period. The bad police of the country alone affords a ſufficient reaſon. The only exports were wool, ſkins, hydes, leather, butter, tin, lead, and ſuch unmanufactured goods, of

[l] 11 Edw. III. cap. 14. 4 Edw. III. cap. 2. 15 Edw. III. cap. 4.
[m] Cotton, p. 10. [n] Ibid. p. 51, 62, 64, 70, 160. [o] Walſing. p. 170. [p] 10 Edw. III. cap. 2. 27 Edw. III. cap. 2. [q] Cotton, p. 75. [r] Ibid. p. 54.

which

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which wool was by far the moſt conſiderable. Knyghton has aſſerted, that 100,000 ſacks of wool were annually exported, and ſold at twenty pounds a ſack, money of that age. But he is widely miſtaken both in the quantity exported and the value. In 1349, the parliament remonſtrate, that the King, by an illegal impoſition of forty ſhillings on each ſack exported, had levied 60,000 pounds a year [s]: Which reduces the annual exports to 30,000 ſacks. A ſack contained twenty-ſix ſtone, and each ſtone fourteen pounds [t]; and at a medium was not valued at above five pounds a ſack [u], that is, fourteen or fifteen pounds of our preſent money. Knyghton's computation raiſes it to ſixty pounds, which is near four times the preſent price of wool in England. According to this reduced computation, the export of wool returned about 450,000 pounds of our preſent money, inſtead of ſix millions, which is an extravagant ſum.

EDWARD endeavoured to introduce and promote the woollen manufacture by giving protection and encouragement to foreign weavers [w], and by enacting a law, prohibiting every one to wear any cloth but of Engliſh make [x]. The parliament prohibited the exportation of woollen goods, which was not ſo well judged, eſpecially while the exportation of unwrought wool was ſo much allowed and encouraged. A like injudicious law was made againſt the exportation of manufactured iron [y].

IT appears from a record of the Exchequer, that in 1354 the exports of England amounted to 294,184 pounds ſeventeen ſhillings and two-pence: The imports to 38,970 pounds three

[s] Cotton, p. 48, 69. [t] 34 Edw. III. cap. 5. [u] Cotton, p. 29.
[w] 11 Edw. III. cap. 5. Rymer, vol. iv. p. 723. Murimuth, p. 88.
[x] 11 Edw. III. cap. 2. [y] 28 Edw. III. cap. 5.

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ſhillings and ſix-pence money of that time. This is a great balance, conſidering that it aroſe chiefly from woollen goods, or rather of raw wool and other rough materials. The import was chiefly linen and fine cloth, and ſome wine. England ſeems to have been extremely drained at this time by Edward's foreign expeditions and foreign ſubſidies, which made the exports ſo much exceed the imports.

THE firſt toll we read of in England, for mending the highway, was impoſed in this reign: It was that for repairing the highway between St. Giles's and Temple-Bar [z].

IN the firſt of Richard II. the parliament complains extremely of the decay of ſhipping during the preceding reign, and aſſert, that one ſea-port formerly contained more veſſels than were then to be found in the whole kingdom. This calamity, they aſcribe to the arbitrary ſeizure of ſhips by Edward, for the ſervice of his frequent expeditions [a].

THERE is an order of this King directed to the mayor and ſheriffs of London, to take up all ſhips of forty tun and upwards to be converted into ſhips of war [b].

THE parliament attempted the impracticable ſcheme of reducing the price of labour after the peſtilence, and alſo that of poultry [c]. A reaper, in the firſt week of Auguſt, was not allowed to take above two pence a day, or near ſix pence of our preſent money; in the ſecond week a third more. A maſter carpenter was limited thro' the whole year to three pence

[z] Rymer, vol. v. p. 520. [a] Cotton, p. 155, 164. [b] Rymer, vol. iv. p. 664. [c] 37 Edw. III. cap. 3.

a day,

a day, a common carpenter to two pence, money of that age [d]. It is remarkable, that in the ſame reign, the pay of a common ſoldier, an archer was ſix pence a day; which, by the change, both in denomination and value, would be equivalent to four or five ſhillings of our preſent money [e]. Soldiers were then inliſted only for a very ſhort time: They lived idle all the reſt of the year, and commonly all the reſt of their lives: One ſucceſsful campaign, by pay and plunder, and the ranſom of priſoners, was ſuppoſed to be a ſmall fortune to a man; which was a great allurement to enter into the ſervice [f].

THE ſtaple of wool, wool-fells, leather, and lead, was fixed by act of parliament in particular towns of England [g]. Afterwards it was removed by law to Calais: But Edward, who commonly deemed his prerogative ſuperior to law, paid little regard to theſe ſtatutes; and when the parliament remonſtrated with him on account of ſuch acts of power, he told them plainly, that he would proceed in that matter as he thought proper [h]. It is not eaſy to aſſign the reaſon of this great anxiety for fixing a ſtaple; unleſs perhaps it invited foreigners to a market, when they knew beforehand, that they would meet there with great

[d] 25 Edw. III. cap. 1, 3.

[e] Dugdale's Baronage, vol. i. p. 784. Brady's hiſt. vol. ii. App. N°. 92. The pay of a man at arms was quadruple. We may therefore conclude, that the numerous armies, mentioned by hiſtorians in thoſe times, conſiſted chiefly of ragamuffins, who followed the camp, and lived by plunder. Edward's army before Calais conſiſted of 31,094 men; yet its pay for ſixteen months was only 127,201 pounds. Brady, ibid.

[f] Commodities ſeem to have riſen ſince the Conqueſt. Inſtead of being ten times cheaper than at preſent, they were in the age of Edward III. only three or four times. This change ſeems to have taken place in a great meaſure ſince Edward I. This King's allowance to the earl of Murray, then a priſoner in Nottingham caſtle, is one pound a week; whereas the archbiſhop of St. Andrews, the primate of Scotland, had only ſixpence a day allowed him by the former King.

[g] 27 Edw. III. [h] Cotton, p. 117.

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choice of any particular ſpecies of commodity. This policy of inviting foreigners to Calais was carried ſo far, that all Engliſh merchants were prohibited by law from exporting any Engliſh goods from the ſtaple; which was in a manner the total abandoning of all navigation, except that to Calais [j]. A contrivance ſeemingly extraordinary.

LUXURY was complained of in that age, as well as in others of more refinement; and attempts were made by parliament to reſtrain it, particularly on the head of apparel, where ſurely it is the moſt obviouſly innocent and inoffenſive. No man under a hundred a year was allowed to wear gold, ſilver, or ſilk in his cloaths: Servants alſo were prohibited from eating fleſh meat, or fiſh, above once a day [k]. It was eaſy to foreſee that ſuch ridiculous laws muſt prove ineffectual, and could never be executed.

THE uſe of the French language, in pleadings and public deeds, was aboliſhed [l]. It may appear ſtrange, that the nation ſhould ſo long have worn this badge of conqueſt. But the King and nobility ſeem never to have become thoroughly Engliſh, till Edward's wars with France gave them an antipathy to that nation. Yet ſtill, it was long before the uſe of the Engliſh tongue came into faſhion. The firſt Engliſh paper which we meet with in Rymer is in the year 1386, during the reign of Richard II. [m]. There are Spaniſh papers in that collection more antient [n]: And the uſe of the Latin and French ſtill continued.

[j] 27 Edw. III. cap. 7.

[k] 37 Edw. III. cap. 8, 9, 10, &c.

[l] 36 Edw. III. cap. 15.

[m] Rymer, vol. vii. p. 526. This paper, by the ſtile, ſeems to have been drawn by the Scots, and was ſigned only by the wardens of the marches.

[n] Rymer, vol. vi. p. 554.

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We may judge of the ignorance of this age in geography by a ſtory told in Robert of Aveſbury. Pope Clement VI. having in 1344, created Lewis of Spain prince of *the fortunate Iſlands*, meaning the Canaries, then newly diſcovered; the Engliſh ambaſſador at Rome and his retinue were ſeized with an alarm, that Lewis had been created King of England, and they immediately hurried home in order to convey this important intelligence. Yet ſuch was the ardor for ſtudy at this time, that Speed in his Chronicle informs us, there were then 30,000 ſtudents in the univerſity of Oxford alone. What was the occupation of all thoſe young men? To learn very bad Latin and ſtill worſe Logic.

In 1364, the commons petitioned, that in conſideration of the preceding peſtilence, ſuch perſons as poſſeſſed manors holding of the King in chief, and had let liferent leaſes without obtaining licences, might continue to exerciſe the ſame power, till the country was become more populous [o]. The commons were ſenſible, that this ſecurity of poſſeſſion was a good means for rendering the kingdom proſperous and flouriſhing; yet durſt not apply, all at once, for a greater relaxation of their chains.

There is not a reign among thoſe of the antient Engliſh monarchs, which deſerves more to be ſtudied than that of Edward III. nor one where the domeſtic tranſactions will better diſcover the true genius of that kind of mixed government, which was then eſtabliſhed in England. The ſtruggles, with regard to the validity and authority of the great charter, were now over: The King was acknowledged to lie under ſome limi-

[o] Cotton, p. 97.

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tations: Edward himſelf was a prince of great capacity, not governed by favourites, nor led aſtray by any unruly paſſion, ſenſible that nothing could be more eſſential to his intereſts than to keep on good terms with his people: Yet on the whole it appears, that the government, at beſt, was only a barbarous monarchy, not regulated by any fixed maxims, nor bounded by any certain undiſputed rights, which were in practice regularly obſerved. The King conducted himſelf by one ſet of principles; the barons by another; the commons by a third; the clergy by a fourth. All theſe ſyſtems of government were contrary and incompatible: Each of them prevailed according as incidents were favourable to it: A great prince rendered the monarchical power predominant: The weakneſs of a King gave reins to the ariſtocracy: A ſuperſtitious age ſaw the clergy triumphant: The people, for whom alone government was inſtituted, and who alone deſerve conſideration, were commonly the weakeſt of the whole. But the commons, little obnoxious to any other order; though they ſunk under the violence of tempeſts, ſilently reared their head in more peaceable times; and while the ſtorm was brewing, were courted by all ſides, and thus received ſtill ſome acceſſion to their privileges, or, at worſt, ſome confirmation of them.

It has always been an eſtabliſhed opinion, that the firſt gold coins were not ſtruck till this reign: But there has lately been found one ſo antient as Henry the third.

NOTE, VOL. II. p. 264.

RYMER, vol. ii. p. 216, 845. There cannot be the leaſt queſtion, that the homage uſually paid by the Kings of Scotland was not for their crown, but for ſome other territory. The only queſtion remains, what that territory was? It was not always for the earldom of Huntington, nor the honour of Penryth; becauſe we find it ſometimes done at a time when theſe poſſeſſions were not in the hands of the Kings of Scotland. It is probable, that the homage was performed in general terms without any particular ſpecification of territory; and this inaccuracy had proceeded either from ſome diſpute between the two Kings about the territory and ſome oppoſite claims, which were compromiſed by the general homage, or from the ſimplicity of the age, which employed few words in every tranſaction. To prove this we need but look into the letter of King Richard, where he reſigns the homage of Scotland, reſerving the uſual homage. His words are, *Sæpedictus W. Rex ligius homo noſter deveniat de omnibus terris de quibus anteceſſores ſui anteceſſorum noſtrorum ligii homines fuerunt, et nobis atque hæredibus noſtris fideletatem jurarunt.* Rymer, vol. i. p. 65. Theſe general terms were probably copied from the uſual form of the homage itſelf.

It is no proof that the Kings of Scotland poſſeſſed no lands nor baronies in England, becauſe we cannot find them in the imperfect hiſtories and records of that age. For inſtance, it appears clearly from another paſſage of this very letter of Richard, that the Scottiſh King had lands both in the county of Huntingdon and elſewhere in England; tho' the earldom of Huntingdon itſelf was then in the perſon of his brother, David; and we know at preſent of no other baronies, which William held. It cannot be expected that we ſhould now be able to ſpecify all his fees which he either poſſeſſed or claimed in England; when it is probable that the two monarchs themſelves and their miniſters would at that very time have differed in the liſt: The Scottiſh King might poſſeſs ſome to which his right was diſputed; he might claim others, which he did not poſſeſs: And neither of the two Kings was willing to reſign his pretenſions by a particular enumeration.

A late author of great induſtry and learning, but full of prejudices, and of no penetration, Mr. Carte, has taken advantage of the undefined terms of the Scots homage, and has pretended that it was done for Lothian and Galloway, that is, all the territories of the country now called Scotland, lying ſouth of the Clyde and Forth. But to refute this pretenſion at once, we need only conſider, that if theſe territories were held in fee of the Engliſh Kings, there would, by the nature of the feudal law as eſtabliſhed in England, have been continual appeals from

them to the courts of the lord Paramount; contrary to all the hiſtories and records of that age. We find, that, as ſoon as Edward really eſtabliſhed his ſuperiority, appeals immediately commenced from all parts of Scotland: And that King, in his writ to the King's-bench, conſiders them as a neceſſary conſequence of the fendal tenure. Such large territories alſo would have ſupplied a conſiderable part of the Engliſh armies, which never could have eſcaped all the hiſtorians. Not to mention that there is not any inſtance of a Scots priſoner of war being tried as a rebel, in the many hoſtilities between the kingdoms, where the Scots armies were chiefly filled from the ſouthern counties.

Mr. Carte's notion with regard to Galloway, which comprehends, in the language of that age, or rather in that of the preceding, moſt of the ſouth weſt counties of Scotland; his notion, I ſay, reſts on ſo ſlight a foundation, that it ſcarcely merits being refuted. He will have it (and merely becauſe he will have it) that the Cumberland, yielded by King Edmund to Malcolm I. meant not only the county in England of that name, but all the territory northwards to the Clyde. But the caſe of Lothian deſerves ſome more conſideration.

It is certain, that in very antient language, Scotland means only the country north of the friths of Clyde and Forth. I ſhall not make a parade of literature to prove it; becauſe I do not find that this point is diſputed by the Scots themſelves. The ſouthern country was divided into Galloway and Lothian; and the latter comprehended all the ſouth eaſt counties. This territory was certainly a part of the ancient kingdom of Northumberland, and was entirely peopled by Saxons, who afterwards received a great mixture of Danes among them. It appears from all the Engliſh hiſtories, that the whole kingdom of Northumberland paid very little obedience to the Saxon monarchs, who governed after the diſſolution of the heptarchy; and the northern and remote parts of it ſeem to have fallen into a kind of anarchy, ſometimes pillaged by the Danes, and ſometimes concurring with them in their ravages upon other parts of England. The Kings of Scotland, lying nearer them, took at laſt poſſeſſion of the country, which had ſcarcely any government, and we are told by Matthew of Weſtminſter, p. 193. that King Edgar made a grant of the territory to Kenneth III. that is, he reſigned claims, which he could not make effectual, without beſtowing on them more trouble and expence than they were worth: For theſe are the only grants of provinces made by Kings; and ſo ambitious and active a prince as Edgar would never have given preſents of any other kind. Tho' Matthew of Weſtminſter's authority may appear ſmall with regard to ſo remote a tranſaction; yet we may admit it in this caſe, becauſe Ordericus Vitalis, a good authority, tells us, p. 701. that Malcolm acknowledged to William Rufus, that the Conqueror had confirmed to him the former

former grant of Lothian. But it follows not, becauſe Edgar made this ſpecies of grant to Kenneth, that therefore he exacted homage for that territory. Homage and all the rites of the feudal law were very little known to the Saxons; and we may alſo ſuppoſe, that the claim of Edgar was ſo antiquated and weak, that in reſigning it, he made no very valuable conceſſion, and Kenneth might well refuſe to hold, by ſo precarious a tenure, a territory, which he at preſent held by the ſword. In ſhort, no author ſays, he did homage for it.

The only colour indeed of authority for Mr. Carte's notion is, that Matthew Paris, who wrote in the reign of Henry III. before Edward's claim of ſuperiority was heard of, ſays that Alexander III. did homage to Henry III. *pro Laudiano et aliis terris.* See page 555. This word ſeems naturally to be interpreted Lothian. But in the firſt place, Matthew Paris's teſtimony, tho' conſiderable, will not outweigh that of all the other hiſtorians, who ſay that the Scots homage was always done for lands in England. Secondly, if the Scots homage was done in general terms (as has been already proved) it is no wonder that hiſtorians ſhould differ in their account of the object of it, ſince the parties themſelves were not fully agreed. Thirdly, there is reaſon to think that *Laudianum* in Matthew Paris does not mean Lothian in Scotland. There appears to have been a territory, which antiently bore that or a ſimilar name, in the north of England. For (1) The Saxon Chronicle, p. 197, ſays that Malcolm Kenmure met William Rufus in Lodene in England. (2) It is agreed by all the hiſtorians, that Henry II. only reconquered from Scotland the northern counties of Northumberland, Cumberland, and Weſtmorland. See Newbriggs, p. 383. Wykes, p. 30. Hemingford, p. 492. Yet the ſame country is called by other hiſtorians Loidis, comitatus Lodonenſis, or ſome ſuch name. See M. Paris, p. 68. M. Weſt. p. 247. Annal. Waverl. p. 159. and Diceto, p. 531. (3) This laſt mentioned author, when he ſpeaks of Lothian in Scotland, calls it Lohenneis, p. 574. tho' he had called the Engliſh territory Loidis. (4) King David's charter to the church of Durham, begins with this paſſage. *Omnibus Scotis & Anglis, tam in Scotia, quam in Ledoneis conſtitutis,* &c. See Spellman Gloſſ. in verbo *Scotia.* Whence we may learn, that the province of *Lodoneium* was not only ſituated ſouth of the Tweed, but alſo extended beyond Durham, and made a part of England.

I thought this long note requiſite in order to correct Mr. Carte's miſtake, an author whoſe diligence and induſtry has given light to many paſſages of the more antient Engliſh hiſtory.

NOTE, Vol. II. p. 288.

THROUGHOUT the reign of Edw. I. the assent of the commons is not once expressed in any of the enacting clauses; nor in the reigns ensuing, till the 9 Edw. III. nor in any of the enacting clauses of 16 Rich. II. Nay even so low as Hen. VI. from the beginning till the 8th of his reign, the assent of the commons is not once expressed in any enacting clause. See preface to Ruffhead's edit. of the Statutes, p. 7. If it should be asserted, that the commons had really given their assent to these statutes, tho' their names be totally omitted in the statutes; this very omission, proceeding, if you will, from carelessness, is a proof how little they were respected. The commons were so little accustomed to transact public business, that they had no speaker, till after the parliament 6th Edw. III. See Prynne's preface to Cotton's abridg. Not till the first of Richard II. in the opinion of most antiquarians. The commons were very unwilling to meddle in any state affairs, and commonly either referred themselves to the lords, or desired a select committee of that house to assist them, as appears from Cotton. 5 R. III. n. 5; 15 E. III. n. 17; 21 E. III. n. 5; 47 E. III. n. 5; 50 E. III. n. 19; 51 E. III. n. 18; 1 R. II. n. 12; 2 R. II. n. 12; 5 R. II. n. 14; 2 parl. 6 R. II. n. 14; parl. 2. 6 R. II. n. 8, &c.

The End of the SECOND VOLUME.